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RESPONSE TO COMMENTS
DRAFT CLOSURE PLAN AND DRAFT NEGATIVE DECLARATION
BAY ENTERPRISES, *FORMERLY KNOWN AS*
ROMIC ENVIRONMENTAL TECHNOLOGIES CORPORATION,
EPA ID. NO. CAD 009 452 657

August 2008



**2081 BAY ROAD, EAST PALO ALTO,
CALIFORNIA, 94403**

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1. INTRODUCTION:

Bay Enterprises, formerly known as Romic Environmental Technologies Corporation (Romic)¹, submitted the first Draft Final Treatment/Storage/Disposal Facility Closure Plan (Draft Closure Plan) to the Department of Toxic Substances Control (DTSC) on October 26, 2007 for their facility in East Palo Alto. DTSC shared this Draft Closure Plan and subsequent revisions, with the U.S. Environmental Protection Agency (U.S. EPA), the San Francisco Regional Water Quality Control Board (RWQCB) and interested members of the community. In an effort to make the closure process understandable and transparent, and to ensure the public had meaningful opportunities to participate and provide input into the closure process, DTSC met with the community on November 15, 2007, to discuss the closure process and community involvement strategy. DTSC reviewed all comments received on the Draft Closure Plan and either incorporated these comments in the two Notices of Deficiency (NOD) issued to Romic or forwarded them to Romic as additional comments. DTSC met with the community again on April 10, 2008, to present the key elements of the Draft Closure Plan and address their concerns and questions.

On April 18, 2008, DTSC issued a letter of technical completeness for the Draft Closure Plan dated April 7, 2008, and informed the members of the public.

On April 29, 2008, DTSC informed the public of the opening of a 45-day period to accept public comments on the Draft Closure Plan and proposed Negative Declaration; the latter document based on an Initial Study prepared in compliance with the California Environmental Quality Act (CEQA). DTSC informed the public of the comment period by 1) mailing copies of the fact sheet and public notice in English and Spanish to the facility mailing list of approximately 500 persons, 2) placing a display advertisement in the San Mateo Times and Palo Alto Daily News newspapers, and in El Observador in Spanish and 3) airing a paid public notice announcing the public comment period on radio station KGO 810 AM.

On May 13, 2008, at 7:00 P.M., DTSC held a public workshop to present the Draft Closure Plan and answered questions from the attendees. On May 29, 2008, at 6:30 P.M., DTSC held a public hearing to receive comments on the Draft Closure Plan and the proposed Negative Declaration. Both meetings were held at East Palo Alto City Hall located at 2200 University Avenue, East Palo Alto, California 94303. DTSC received oral testimony during the public hearing, which was recorded by a court reporter. The public comment period ended on June 16, 2008.

¹ Bay Enterprises is the owner of the property. The Romic facility in East Palo Alto is closed and all operations have ceased. As of April 26, 2008, Romic has changed their name to Bay Enterprises and will be operating with this name for all closure and cleanup activities. Since the name change is recent, we will continue to refer to the facility as Romic instead of Bay Enterprises, formerly known as Romic. Bay Enterprises and Romic refer to the same entity and is the responsible party for the closure and cleanup of the site located at 2081 Bay road in East Palo Alto.

The following documents were made available to the public as a part of the Draft Closure Plan Administrative Record:

1. Public Notice: *Announcing a Public Comment Period and Public Hearing on the Draft Closure Plan*
2. Fact Sheet: *Draft Closure Plan is Available for Comments*
3. Romic's CEQA Documentation –
 - a. Draft Negative Declaration
 - b. Initial Study for Phase 1 Closure Plan for Romic East Palo Alto, April 24, 2008
4. Technical Completeness Letter
5. NOD 1 and NOD 2
6. Draft Treatment/Storage/Disposal Facility Phase 1 Final Closure Plan, April 7, 2008

Background:

Since 1964, Romic operated a large offsite recycling facility at 2081 Bay Road in East Palo Alto, San Mateo County, California. Until August 2007, hazardous waste operations occurred at the Romic Facility (Facility). The Facility received hazardous wastes primarily from local industries and recycled some of the hazardous waste for reuse, with the remaining waste being treated and disposed of offsite.

In 1973, Romic closed two surface impoundments that caused groundwater contamination. In 1988, Romic entered into an agreement with the U.S. EPA that required Romic to investigate the extent of soil and groundwater contamination related to past operations at the Facility. Since 1993, Romic has been pumping contaminated groundwater to the Facility's onsite wastewater plant and treating it to remove contaminants before discharging the treated water to the neighboring tidal slough, where it eventually flows to the Bay. In February 2004, the U.S. EPA allowed Romic to expand the biological treatment test system and to use it exclusively as an Interim Remedial Measure (IRM). The enhanced Biological Treatment was public noticed by U.S. EPA in October 2007, and is currently responding to public comments before they make a final decision on the proposed remedy for corrective action.

From 1999 through 2007, DTSC's Compliance Branch cited Romic for various violations. Romic was legally operating the Facility under an expired hazardous waste facility permit issued by DTSC in 1989. DTSC processed Romic's Resource Conservation and Recovery Act (RCRA) Part B permit application, prepared a draft permit and Environmental Impact Report (EIR) and circulated the documents for public review in 2005. The draft EIR was not finalized and the RCRA permit was not approved.

On August 29, 2007, DTSC ordered Romic to close their East Palo Alto Facility. The Order (Docket HWCA 2006-1227) required Romic to stop receiving offsite waste by August 30, 2007.

The Order also required Romic to cease treatment of offsite waste by September 28, 2007, and eliminate all inventory by October 31, 2007. In addition, DTSC required Romic to revise the Closure Plan and submit it to DTSC for review by October 26, 2007. Romic has met all of these deadlines.

2. GENERAL ISSUES AND CONCERNS

Common issues and concerns were raised by several commenters. The following are DTSC's responses to the general issues and concerns. A detailed response to all comments received during the public comment period, including any cross-reference to these general issues and concerns, is also provided in Section 3 – Responses to Specific Comments of this Response to Comments (RTC) document.

2.1 GENERAL ISSUE 1: HEALTH AND SAFETY PLAN

Several commenters asked why the Health and Safety Plan was not included in the draft Closure Plan and asked if it will be released to the community for review and comment.

The Health and Safety Plan (HASP) is a key part of this project and will guide all aspects of the project to ensure work is done in a manner that is protective of on-site workers, the surrounding community and the environment. The HASP is contractor-specific, and will be developed by the contractor used for this project. The HASP will be written exclusively for this project and will comply with rules and regulations of the Division of Occupational Safety and Health, better known as Cal/OSHA. The contractor qualification review will ensure that the selected contractor has the appropriate qualifications, experience and resources, and documented safety record to complete the work safely and in compliance with all Cal/OSHA's rules and regulations. Preparation of the HASP will be overseen by the contractor's Certified Industrial Hygienist (CIH), who will be responsible for signing the document when it is issued. DTSC will verify that the HASP complies with Cal/OSHA requirements.

The HASP will describe site and project-specific information and will include the following topics:

Organizational Structure: Describe lines of authority, responsibility, and communication for health and safety functions at this site.

Site Characterization and Job Hazard Analysis: Describe safety and health hazards associated with site work, including a job hazard analysis to identify the health and safety hazards associated with each site task and to evaluate the risks to site workers.

Site Control: Describe methods to avoid the spread of hazardous substances from contaminated areas to clean areas, to identify and isolate contaminated areas of the site, to facilitate emergency evacuation and medical care, to prevent unauthorized entry to the site, and to deter vandalism and theft.

Training: Outline the training program to ensure that site workers receive the training they need to work safely and to meet all relevant Cal/OSHA requirements.

Medical Surveillance: Describe how worker health status is monitored at this site.

Personal Protective Equipment (PPE): Describe how PPE is selected and used to protect workers from exposure to hazardous substances on this site.

Emergency Response: Present a site-specific emergency response plan and describe potential emergencies at this site, procedures for responding to those emergencies, roles and responsibilities during emergency response, and training that workers must receive in order to follow emergency procedures. Also describe the provisions this site has made to coordinate its emergency response planning with other contractors on site and with off-site emergency response organizations.

Confined Spaces: Describe the methods to be followed when entering confined spaces to minimize risk to on-site workers.

Contingency and Emergency Preparedness: This section will address how to respond to an onsite emergency.

Upon DTSC's approval of the draft Closure Plan, Romic will have 30 days to submit a HASP for implementation. DTSC will have a 30-day review and comment period for the draft HASP. In the past, DTSC has provided draft documents to interested community members for review and comment. This technique has worked well and has substantially cut down on review time as well as document revisions. It has also allowed DTSC to adhere to the project schedule.

DTSC will follow the same review protocol for the draft HASP. DTSC will share the draft HASP with the interested members of the community within the first week of the 30-day review process for their review and comment; concurrent with DTSC's review.

DTSC will forward all community comments and concerns to Romic for the contractor's consideration and incorporation into the final HASP, as appropriate. Comments provided by DTSC will be incorporated into the final HASP, as appropriate.

The contractor will be responsible for finalizing the HASP and providing a copy to DTSC for the administrative record. No work will begin in the field until the HASP is finalized and accepted by DTSC as complete.

DTSC will hold Romic responsible for ensuring that all closure activities meet all applicable Cal/OSHA standards.

2.2 GENERAL ISSUE 2: EMERGENCY PREPAREDNESS

Several commenters raised questions about how an on-site emergency will be handled and the level and type of emergency response training that will be required for all on-site workers.

A site and project-specific Contingency and Emergency Preparedness Plan will be developed and submitted as a part of the contractor-specific HASP. This section of the HASP will address procedures for responding to unpredictable events such as fire or physical injury to a worker and at a minimum, include the following:

- List the names and function of on-site personnel responsible for emergency actions along with special training they have;
- List of emergency services organizations - including names, telephone numbers, and locations; that may be needed such as Fire Department, Police Department, Hospital, local hazardous material response unit, etc.
- Step-by-step procedures to follow in the event of an emergency.

All individuals who work on the site will be required to be 40-Hour Hazardous Waste Operations (HAZWOPER) certified at a minimum, with proven experience to complete the work safely and in compliance with Cal/OSHA rules and regulations. Cal/OSHA requires that personnel working on hazardous waste site activities must be trained for hazard identification and evaluation, hazard control, and preparation for emergencies.

2.3 GENERAL ISSUE 3: COMMUNITY INVOLVEMENT

a) Project Status Reports:

Several individuals raised questions about how DTSC will ensure that the community is kept informed about the progress of closure activities and the frequency of such progress updates.

DTSC will share the monthly status report generated by Romic that will include the status of the closure activities such as work completed in the past month, work scheduled for the upcoming month, updated Inventory Tracking Control Sheets (Please refer to the Closure Tracking Control Sheet, Attachment E of the Draft Closure Plan dated April 7, 2008), health and safety incidents (if any), photographs will be included where appropriate, and other project information of note.

These monthly updates will be distributed via email to all individuals on the e-mail distribution list and will also be filed by date of issuance in a binder that will be located in the East Palo Alto Library. These documents will also be posted on DTSC's website: <http://www.dtsc.ca.gov/HazardousWaste/Projects/Romic.cfm>

Interested parties can review all the work plans and reports submitted by Romic to DTSC; and provide feedback to minimize impacts on residents and neighboring businesses. In addition, DTSC will also have conference calls with Romic to get project status updates and some or all of the following items will be discussed in these conference calls –

1. Recent Work completed
2. Issues or problems that were encountered and how they were resolved
3. Air monitoring results
4. Planned activities
5. Percent of work completed
6. Name and number of an individual to contact with questions or concerns

If needed, DTSC will meet with the community when major milestones are completed such as when all equipment has been decontaminated, the storage structures disassembled etc. As always, DTSC encourages community members to contact the DTSC's Public Participation Specialist or Project Manager with any questions or concerns.

b) Independent Engineer Qualifications:

Several commenters raised questions about the qualifications and selection process of engineer-of-record for Closure Certification.

Romic will be required to submit a Closure Report that is certified as true and accurate by a professional engineer certified in the state of California. This engineer will be involved with the project from start to finish – providing oversight, ensuring that closure activities are implemented as stated in the approved Closure Plan.

Professional Engineer (P.E.) is a registered or licensed engineer, permitted to offer professional services as legally defined and protected by the Board for Professional Engineers and Land Surveyors, Department of Consumer Affairs, State of California. The maximum disciplinary order against a P.E. would be revocation of his/her license, irrespective of who retains a P.E. Romic or their contractor.

DTSC acknowledges the community's desire to provide input in the selection process of the engineer-of-record for the former Romic facility. While DTSC is respectful of this desire, the owners of the facility are responsible for selection of the engineer-of-record. DTSC will work with Romic to ensure that community input is considered, among other factors, in the final selection of the engineer-of-record. DTSC understands that Romic will give community members an opportunity to review the resume of the selected engineer-of-record and to meet with this individual after he/she has been selected.

2.4 GENERAL ISSUE 4: FINANCIAL RESPONSIBILITY

Individuals raised questions about closure costs adequacy and financial responsibility.

The closure activities and the associated cost estimates to close the Romic facility in accordance with DTSC requirements are described in the Closure Plan. Romic has \$5,634,373.00 held in the form of a surety bond exclusively for the closure of their East Palo Alto Facility. DTSC requires Romic to maintain these monies, with additional monies for inflation, until Romic completes the closure and DTSC approves the completion.

Upon DTSC's approval of the final Closure Plan, Romic will be required to begin the closure activities with oversight provided by DTSC. As the work continues, Romic will fund the closure tasks with monies independent of those held in the surety bond. Romic may petition DTSC to release funds allocated for the closure activities that have been completed. DTSC would evaluate the reimbursement request against the funds available in the closure fund

and the remaining closure tasks; and determine if the activity is completed per the approved Closure Plan. Romic will be reimbursed only if sufficient funds remain in the closure fund to cover the maximum costs of closing the facility. If DTSC has reason to believe that the maximum cost of closure for the tasks remaining to close the facility will be significantly greater than the value of the closure fund, reimbursements of such amounts may be withheld until DTSC determines that the final closure of the facility has been completed and has met all requirements as specified in California Code of Regulations, title 22, section 66264.143 (a) (11).

As specified in the Stipulation and Order dated August 29, 2007 (Docket HWCA 2006-1227) issued by DTSC, Romic has eliminated all hazardous waste inventories. The cost associated with the removal of inventory was estimated to be \$2,737,217.00. Romic has not made any reimbursement request for those expenses at this time.

2.5 GENERAL ISSUE 5: CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

Several individuals raised questions about the CEQA document – the Initial Study.

DTSC, as the regulatory agency responsible for providing oversight for closure activities at the Romic facility, is also the lead agency for evaluating the site closure activities under CEQA. Accordingly, DTSC prepared an Initial Study following the CEQA Guidelines, resulting in a determination that the planned closure activities would not cause significant environment impacts. DTSC therefore proposes to adopt a Negative Declaration to complete the CEQA process for approving the Phase 1 Closure Plan.

The closure activities at the Facility will include the decontamination, deconstruction and disposal (D&D) of all of the above-ground hazardous waste management units (HWMUs). The HWMUs are equipment and structures that were used in management of the hazardous waste at the facility.

Romic occupies an irregularly-shaped parcel of approximately 14 acres (Site) in the Ravenswood Industrial Area of City of East Palo Alto. The Site is paved throughout, except for a narrow strip of unpaved area along the perimeter and a gravel parking area near the Bay Road entrance. Romic has ceased operating and eliminated all hazardous waste inventories as stipulated in the Enforcement Order (Docket HWCA 2006-1227).

The Romic facility consists of four main areas:

- 1) Office and laboratory buildings,
- 2) Central process area,
- 3) Storage areas and
- 4) Support areas - which include access and parking areas as well as a vehicle maintenance building at the southwest corner of the property.

Until August 2007, hazardous waste operations occurred at the facility on approximately two of the Site's 14 acres: the central process area and storage area and the closure activities will be focused on these two areas. The process area is located in the central portion of the facility and contains tank farms that were used for storage of hazardous waste and processed or treated hazardous waste. The processing equipment such as distillation columns, vacuum pots, and thin film evaporators, are located in the center of the tank farms within this area.

The closure activities of all of the above ground HWMUs will be conducted at the facility, in place, within a secondary containment area with berms, also known as secondary containment pads.

All equipment will be decontaminated before it is considered for resale, scrap or disposal as waste. The decontamination must meet the decontamination performance standards before the decontaminated equipment is disassembled and disposed offsite. After all of the equipment and structures have been decontaminated and disposed of; containment pad will be decontaminated. Only clean concrete surfaces will be left behind at the completion of Phase 1 Closure activities

DTSC conducted the Initial Study to evaluate potential impact from closure activities to the environment. Seventeen different impact categories were considered, with in-depth evaluation of certain environmental factors such as air quality, Transportation and Noise, in compliance with CEQA and to ensure community concerns have been addressed in the Draft Closure Plan.

Based on the findings of the CEQA Initial Study, DTSC concluded that the proposed closure activities of Phase 1 Draft Closure Plan will not have a significant effect on the environment.

3. RESPONSES TO SPECIFIC COMMENTS

This section provides responses to specific comments received during the public comment period from April 29, 2007 to June 16, 2008 as well as comments received during the public hearing held by DTSC on May 29, 2008 as follows:

- Comments 3-1 through 3-32 were received during public hearing
- Comments 3-33 through 3-40 were comments received via emails.
- Comments 3-41 through 3-43 were comments received via letters.

3.1 MS. FABY NARANJO

COMMENT 1-1

We are Youth United for Community Action (YUCA). We are a grassroots, non-profit organization that works on environmental and social justice issues in our community. Along with EJG, Environmental Justice Group, a coalition of residents - youth and elders alike; working for environmental justice in East Palo Alto, we were able to permanently shut down Romic, a hazardous waste facility that has been operating in our community for the past 40+ years. Now we are going through the closure process of this facility, with cleanup to soon follow.

RESPONSE 1-1

Comment noted.

3.2 MS. MIRIAM CRUZ

COMMENT 2-1

DTSC is supposed to regulate this facility yet it let Romic work off an expired permit for 16 years.

RESPONSE 2-1

Romic was first issued a permit in 1986 which was modified in 1989. The state permit expired in 1991 and the federal permit expired in 2002. DTSC received the renewal application in 1991 and released a draft permit in 1993 but the community wanted an Environmental Impact Report (EIR). The regulations allow Romic to continue to operate under their expired permit because the renewal application was submitted to DTSC before the permit expired.

COMMENT 2-2

In 2005, the community commented on Romic's EIR and we still have no response to those comments three years later.

RESPONSE 2-2

In 2005, DTSC was processing the renewal of Romic's Hazardous Waste Management Permit and prepared an Environmental Impact Report (EIR) according to CEQA guidelines. This EIR was prepared to evaluate environmental impacts associated with Romic's continued hazardous waste management operations at the site. The EIR is no longer applicable and DTSC did not renew Romic's Hazardous Waste Management Permit. The EIR was abandoned as DTSC ordered Romic to close its East Palo Alto facility on August 29, 2007.

COMMENT 2-3

YUCA and EJG has always been pushing DTSC to do their job.

RESPONSE 2-3

Comment noted

COMMENT 2-4

DTSC provided incomplete information and this plan still contains no Health and Safety Plan that outlines how workers will be protected or evacuated during this Closure Process in the event of any emergency.

RESPONSE 2-4

DTSC shared all the draft revisions of the Draft Closure Plan with the interested members of the community, including YUCA, for concurrent review with DTSC. The first version of the Draft Closure Plan was submitted by Romic on October 26, 2007 and DTSC met with the community on November 15, 2007 when we discussed the closure process and community involvement strategy. All of the comments received from the community on the draft Closure Plan were considered before finalizing the Closure Plan. We also met with community on April 10, 2008 to discuss the key elements of the Draft Closure Plan before the public notice was issued on April 29, 2008.

The draft Closure Plan does not include the H&S Plan, as it is contractor specific and will be developed by the contractor selected to conduct the closure activities in the approved closure plan. Please refer to Section 2.1 of this RTC document.

COMMENT 2-5

DTSC has made irresponsible decisions. For example: they did not communicate with the community for the first 17 years of East Palo Alto fighting this facility. Only now since Romic closed down they want to work with the community. So we still need to make sure that they do just that.

RESPONSE 2-5

DTSC respectfully disagrees with the commenter's opinion that we only want to work with the community now since Romic closed down. DTSC has been in communication with the community members with fact sheets, public notices, e-mails, letters, public workshops and public hearing since at least 1989. Also, DTSC staff members have met with community members on a number of occasions dating back to the middle 1990s and perhaps even earlier. Community involvement has always been and continues to be very important in all decisions DTSC makes that affect the health and the environment of all Californians.

In 2005, for example, when DTSC was processing the renewal of Romic's Hazardous Waste Management Permit and prepared a draft Environmental Impact Report, DTSC hosted a public workshop and a public hearing. DTSC did not renew Romic's Hazardous Waste Management Permit and ordered Romic to shutdown their East Palo Alto facility due to their history of violations and accidents.

3.3 MR. ALVARO ALVAREZ

COMMENT 3-1

After 18 years long battle, the community has closed down this polluting monster. We are very pleased at this. However, our war is not over. The closure process is one of the last three stages to fully rid our community of toxin. We must be involved in all three stages:

- Stage one – this closure process to make sure the facility is completely and accurately close
- Stage two – Cleanup, making sure the contaminants in the land and groundwater are safely removed
- Stage three – Land Use, making sure not other type or form of toxins or toxin related items are allowed back into East Palo Alto. Thank you to everyone for coming.

RESPONSE 3-1

Comment noted.

Community involvement has always been and continues to be very important in all decisions DTSC makes that affect the health and the environment of all Californians. Please refer to Section 2.3 a) of this RTC document.

3.4 MR. JAMES TURNER

COMMENT 4-1

Read letter from Anna Turner, his sister, who could not attend. The letter stated that dismantling of the facility is vital, and that the community deserves to be part of the process and make sure it is done properly.

RESPONSE 4-1

Please refer to Section 2.3 a) of this RTC document. DTSC will require Romic to submit monthly project status reports during the entire length of the project. In addition, DTSC will have frequent conference calls with Romic to get project updates. DTSC will share all of the project status reports, tracking sheets and analytical results received. These will be distributed via e-mail as well as filed by date of issuance in a binder that will be located in East Palo Alto Library. All of these documents will also be posted on DTSC's website:

<http://www.dtsc.ca.gov/HazardousWaste/Projects/Romic.cfm>

3.5 MS. FABY NARANJO

COMMENT 5-1

There is no enforcement of standards placed on workers in the plan to make sure they do their job.

RESPONSE 5-1

Worker safety is enforced by Cal/OSHA. The employer is required to establish and supervise programs for education and training of employees and employers for recognition, avoidance and prevention of unsafe conditions in employment covered by the act.

On-site worker safety is of great importance to DTSC and will hold Romic responsible to make sure that the closure activities meet all applicable state standards including all Cal/OSHA standards. The contractor retained by Romic will be required to use only qualified professionals for closure activities that have successfully completed 40-hour initial HAZWOPER training as well as site-specific training. On-site managers and supervisors who are directly responsible for or who supervise workers engaged in closure activities will be required to have completed 40-hour HAZWOPER training as well as eight additional hours of specialized supervisory training, in compliance with title 29 Code of Federal Regulations (CFR) 1910.120(e)(4).

Romic will submit a site-specific HASP that will include an Emergency Preparedness section. This section will have the instructions for the site workers regarding the safe handling and use of equipment, and will serve to inform the workers of the potential site-specific hazard identification, personal hygiene, and personal protective measures required during decontamination, disassembly and deconstruction of equipment and structures. The HASP will be developed by the contractor selected by Romic to implement the Closure Plan approved by DTSC. Also, please refer to Section 2.2 of this RTC document.

3.6 MS. MIRIAM CRUZ

COMMENT 6-1

Stated in the Introduction to the Closure Plan that Romic will use "environmentally sound"

technology but it does not list what this technology is or how it meets “environmentally sound” criteria.

RESPONSE 6-1

In general terms “environmentally sound technologies” refers to technologies that have been designed to protect the environment and handle all residual wastes in an environmentally acceptable manner. In other words, environmental sound technologies are less polluting, use resources in a sustainable manner and recycle more of their wastes and products.

Romic proposes waste minimization by incorporating the four elements of pollution prevention: reduction, reuse, recycle, and recovery. The Draft Closure Plan lists the following four options of disposal after all of the equipment and structures have been decontaminated to reduce the amount of hazardous waste that will be disposed in a Landfill. If decontamination is successful, then the decontaminated equipment could be:

1. Reused - in a similar process by a permitted facility either in California or elsewhere
2. Recycled – as scrap
3. Recovered - disposed as non-hazardous waste
4. Reduced - If decontamination fails for a portion of a piece of equipment, then that portion will be sent to a fully authorized and permitted landfill as hazardous waste.

3.7 MS. SHANTAL MEDRANO

COMMENT 7-1

In the Executive Summary, the Closure Plan states that the noise will be alarming however, it does not address how the community will be alerted about noise and the time frame allotted for excessive noise to be made.

RESPONSE 7-1

Activities associated with the facility closure that are likely to generate noise essentially include pressure washing, followed by deconstruction and/or cutting up of decontaminated equipment and the associated noise from vehicle traffic to and from the facility. These activities may result in a temporary increase in noise levels at the site and would be intermittent during the day and would be reduced substantially by the time it reaches off-site receptors.

Romic will be required to comply with the City of East Palo Alto's Noise ordinance and all closure activities that generate noise will be scheduled for weekdays between the hours of 7:00 am to 6:00 pm only.

3.8 MR. GABRIEL MENA

COMMENT 8-1

In the Executive Summary, the Closure Plan states that there will be minor odors. Odors assume fumes, fumes assume chemicals, and chemicals assume potential effects. The plan lists no potential effects of these odors on the community or how these odors will be captured.

RESPONSE 8-1

Romic has eliminated all hazardous waste inventories and all tanks and ancillary equipment are empty at the facility. Closure activities include decontamination of equipment. Prior to decontamination, equipment will be vacuumed using activated carbon filters to capture fumes; followed by a visual inspection to ensure that the equipment is free of all liquid.

Decontamination involves high pressure washing and this may cause some of the built-up residues to dissolve in the water or solvent used, emanating odors. Odor control measures will be implemented if there is free standing liquid visually detected and/or there are strong odors smelled and/or if there is a positive reading on the Organic Vapor Monitor (OVM). The HASP will further describe the exact odor control measures that will be employed as appropriate.

The measures employed to protect on-site workers who are decontaminating the equipment from exposure to chemical fumes will also protect the larger community. Furthermore, Romic will conduct perimeter or fenceline air quality monitoring to measure particulates and to address community concerns over fugitive releases from closure activities.

3.9 MR. THOMAS WILLIAMS

COMMENT 9-1

Financial Responsibility and Closure Cost should include the estimate of the proposed closure budget, who developed this estimate, and what real funds look like to complete the closure. The community doesn't want to be left with cost to clean this mess up.

RESPONSE 9-1

The closure activities and the associated cost estimates to close Romic in accordance with DTSC requirements are listed in Attachment D of the Closure Plan. Romic developed the closure cost estimates that was reviewed by DTSC to make sure that they are adequate for a third party implementation of the approved Closure Plan. Romic has \$5,634,373.00 held in the form of a surety bond exclusively for the closure of their East Palo Alto Facility and this includes the cost for removal of inventory estimated to be \$2,737,217.00, which Romic has already accomplished. Thus, \$5,634,373.00 should be adequate to complete the closure. Please refer to Section 2.4 of this RTC document.

3.10 MS. LARISSA FLORES

COMMENT 10-1

The HASP is an important part of the closure plan, yet the community has not seen a copy of it. It is important to view this plan because there have been situations where Romic management has acted ill-prepared towards workers, which worsened what could have been otherwise prevented situations. DTSC needs to release a copy of the health and safety plan to the community so that we may provide comments.

RESPONSE 10-1

Romic will submit a HASP that will include instructions for the site workers regarding the safe handling and use of equipment and inform the workers of the potential hazards, personal hygiene, and personal protective measures required during decontamination, disassembly and deconstruction of equipment and structures.

DTSC recognizes that the HASP is an important part of this project and will share the draft HASP with the interested members of the community. Please refer to Section 2.1 of this RTC document.

COMMENT 10-2

The health and safety plan should also include a qualified full time person to be on site at all times, and in the event of an emergency.

RESPONSE 10-2

The HASP will include an emergency preparedness component as required by Cal/OSHA. The Emergency Preparedness section will outline emergency response protocol and steps to ensure that an emergency is responded to appropriately, without unnecessary delay and in a fashion that is protective of on-site workers and the community. The Emergency Preparedness section will include the following components:

- The employee(s) designated as the on-site, Health and Safety Manager, that will be responsible for day-to-day on-site employee health and safety issues and responding emergency situations;
- Roles and responsibilities of site workers in case of an emergency;
- Evacuation routes;
- Maps and driving directions to the nearest Hospital;
- Contact numbers for the local Fire Department and Police Department

DTSC will share the HASP submitted by Romic's contractor with the community for their review and comment. Please refer to Sections 2.1 and 2.2 of this RTC document.

3.11 MR. OVIER MARISCAL

COMMENT 11-1

Tracking of closure states that closure activities will last no longer than 180 days. Romic should only be granted no more than one extension, of 60 days at the most, to keep the deadline.

RESPONSE 11-1

The time allowed for a typical storage facility closure is 180 days per California Code of Regulations, title 22, Section 66264.113 (b). Complex and large facilities like Romic require a longer time table. Thus, DTSC's Stipulation and Order dated August 29, 2007 granted Romic an additional 180 days. Therefore the closure time table in the Closure Plan is approximately one year and not 180 days.

3.12 MR. ANTHONY CLARK

COMMENT 12-1

The emergency provision section of the Closure Plan should include instructions on how to call an ambulance, when a person is inflicted with burning wounds, and it should include detailed instructions on how to treat that patient, who suffered a severe burn while working in the site.

RESPONSE 12-1

The HASP will include an Emergency Preparedness section as required by Cal/OSHA and it will identify the designated employees such as the Site H&S manager; and actions employers and employees must take to ensure employee safety from fire and other emergencies. The H&S Plan will also identify the roles and responsibilities of site workers in case of an emergency. Please refer to Sections 2.2 and 3.10-2 of this RTC document.

3.13 MR. ALVARO ALVAREZ

COMMENT 13-1

The closure activities does not state how airborne particulates will be captured while sand blasting the facility and I think, furthermore, that sand blasting shouldn't even be one of the cleaning processes.

RESPONSE 13-1

Sandblasting operations will not be used without applying reasonable measures such as using a tent for the area being cleaned, and other dust control measures to prevent particulate matter from becoming airborne and posing a possible threat to workers or the public. Precautions to be taken to confine airborne particulates generated by sandblasting will be described in the

HASP. Procedures will be designed to comply with the local Air Quality Management District (AQMD) and state Air Resources Board (ARB) regulations applicable to such operations.

COMMENT 13-2

I do understand that sand blasting has been used in the past for different type of uses, and I do know that sand blasting is effective in some things. But the thing is that just cleaning up a facility that is contaminated with chemicals and just sand blasting it, I don't really understand.

RESPONSE 13-2

Sandblasting is an abrasive decontamination method that strips off the top layer of equipment or structure surface. As suggested, it is an effective method to remove gross contaminants before subsequent application of other decontamination methods. Thus, sandblasting will only be used to remove any gross contamination since its effectiveness does not depend on solubility of a contaminant in a cleaning agent. When used, sandblasting will be followed by a high pressure wash with water or low surfactant as necessary.

COMMENT 13-3

Maybe it might remove it from one place, but it might go through another place. So I would ask that if you guys will show some sort of either results, or something, that it will be a hundred percent results, it will be good results.

RESPONSE 13-3

If sandblasting is used to decontaminate any equipment or structures – the sandblasting equipment includes a pressure vessel to hold media, a nozzle and blast hose to carry media. The nozzle determines what type of work and how much work can be done. The smaller the nozzle, the more detailed work can be performed. The used sand will be collected and disposed to a landfill appropriately.

Effectiveness of decontamination will be verified by sampling the final rinse water and sending it to a laboratory for analysis. This Decontamination Confirmation Sample must meet the Decontamination Performance Standards of the approved Closure Plan before the equipment is disposed offsite. Analytical results will be reviewed by DTSC and shared with the community. Romic will track the decontamination method used for each equipment and report in Closure Tracking Control Sheet presented in Attachment E of the Draft Closure Plan.

3.14 MS. CYNTHIA CRUZ

COMMENT 14-1

DTSC should outline what enforcement of Romic will look like, including how Romic will be held accountable for any worker safety violations, violations found during the inspections, and also not meeting scheduled deadlines.

RESPONSE 14-1

If Romic fails to comply with the terms of the Stipulation and Order issued to Romic on August 29, 2007(Docket HWCA 2006-1227) – which includes implementation of the approved Closure Plan, HASP, scheduled deadlines and assure worker safety, DTSC may subject Romic to additional costs, penalties and/or damages, as provided by Health and Safety Code, section 25188, and other applicable provisions of law.

DTSC acknowledges that Romic has a history of violations, but DTSC has also levied significant monetary penalties against Romic East Palo Alto facility, one of the largest penalties in the State of California (\$849,000); to resolve some of the past violations and ordered Romic to be closed. DTSC and other agencies such as Cal/OSHA will consider appropriate enforcement actions based on the nature and extent of violation.

COMMENT 14-2

The closure plan does not state how many inspections will be conducted?

RESPONSE 14-2

DTSC staff will be on-site regularly during implementation of the approved Closure Plan to ensure that closure activities are conducted in accordance with the approved Closure Plan. DTSC's Compliance Division will continue their routine inspections of the facility and DTSC staff plans to conduct oversight inspections throughout the closure period. Inspections are generally unannounced and therefore, actual number and dates cannot be announced at this time. However, all inspection reports will be available for public review.

3.15 MS. ANNIE LOYA

COMMENT 15-1

In the introduction to the closure plan, it mentioned that there's a specific example of waste type managed there. For example, halogenated versus non-halogenated. And so the closure plan also does not state how each waste will be managed and how it will be addressed. And I read up on what that is and they're pretty different, and so making sure that the plan does address how these wastes will be treated.

RESPONSE 15-1

The commenter is referring to the Facility Information section on page 3 of the draft Closure Plan – the discussion includes specific examples of waste types that were managed at the facility and included halogenated and non-halogenated solvents among others such as Freon and Freon substitutes, waste oils, etc.

Romic has eliminated all hazardous waste inventories and the Closure Plan involves decontamination, disassembly and disposal of the empty equipment. Romic will not be treating any waste onsite. The waste generated by the closure activities such as debris and wastewater will be collected and disposed offsite. The recommended procedures for decontamination of halogenated residues and non-halogenated residues are the same as the procedures outlined in the draft Closure Plan.

3.16 MS. RE'ANITA BURNS

I'm a community member here, and I have two things. I was actually watching the presentation that you gave and you guys said that you wanted to be able to reuse the facility.

COMMENT 16-1

And my first question, is some of the facility structures, is it reusable with the chemicals that they use, will you actually be able to bring that back?

RESPONSE 16-1

The Draft Closure Plan includes decontamination, disassembly and disposal of the equipment and structures that were used in management of hazardous waste. The structures that were used for storage of hazardous materials are made-up of a containment pad surrounded on three sides by metal sheeting walls atop concrete dike or berm and a metal roof. These structures are to be decontaminated and possibly reused by a permitted facility if decontamination is confirmed as successful.

COMMENT 16-2

Secondly, we don't want Romic to still be standing in East Palo Alto, we want a flat site. We don't want anything on that land.

RESPONSE 16-2

All of the Hazardous Waste Management Units – the equipment and structures that were used in management of hazardous waste will have been decontaminated, disassembled and disposed offsite as described in the draft Closure Plan. Only clean concrete surfaces will be left behind at the completion of Phase 1 Closure activities.

There are additional structures on site - such as the Romic's former office buildings and the laboratory building as well as the vehicle maintenance building. These are not considered as hazardous waste management units and not required to be closed under this Closure Plan or under DTSC's oversight. Any closure or change to these buildings will be done under the oversight of the San Mateo County Environmental Health Department.

COMMENT 16-3

I also have concerns in terms of the history of Romic, in terms of the qualified people that they have to work there, whether it's putting a worker in a sludge tank, who's not qualified to clean sludge, or to have someone work with flammable materials. That's not very good. Their history, their track record is very poor. And because of that, as a community member, I demand that community members have a right to say what type of engineering you bring in to oversee this closure. Because this is our community and we want to make sure we know who's coming in and doing the jobs, and we want it done completely.

RESPONSE 16-3

Romic has been shut down and has no employees. The company will hire a qualified contractor for the implementation of the approved Closure Plan. The contractor qualification review will ensure that they have appropriate qualifications, experience and resources to complete the work safely, and in compliance with the Cal/OSHA regulations.

DTSC acknowledges the community's desire to have input in the selection process of the engineer-of-record for the former Romic facility. While DTSC is respectful of this desire, Romic is responsible for selecting the engineer-of-record. DTSC will work with Romic to ensure that community input is considered, among other factors, in the final selection of the engineer-of-record. We understand that Romic will give the community members an opportunity to meet with the engineer-of-record after he/she has been selected. Please also refer to Section 2.3 b) of this RTC document.

3.17 BRENDA NARANJO

COMMENT 17-1

The list of closure activities should state how long each closure activity will take to complete and we, the community, demand to receive reports on progression of closure activities and completion.

RESPONSE 17-1

The draft Closure Plan discusses the anticipated closure schedule in the Closure Activities section [Closure Plan, subsection 5.2.9, Table 5 on page 171]. The closure activities associated with a long list of equipment and structures combined with four different disposal options, disallows laying out an exact schedule. Presumably, several teams will be working on more than one piece of equipment at any given time.

However, Romic is required to track the closure activities and updating the Inventory Tracking Control Sheet – where each piece of equipment will be tracked from the start date of the closure activities through its final disposal destination and disposal date. Romic will submit monthly project status reports and DTSC will also have periodic conference calls with Romic to receive

updates on the closure activities and Inventory Tracking Control Sheets. Please also refer to Section 2.3 a) of this RTC document.

3.18 DE'ANTAY WILLIAMS

COMMENT 18-1

At the public workshop, DTSC mentioned that the slough is contaminated. Yes, DTSC is not going to clean up the administrative buildings. That does not make sense. The slough is contaminated; it leaves suspicion of the administrative buildings. DTSC needs to address this and clean the whole site.

RESPONSE 18-1

In a discussion regarding subsurface investigation of contamination in Phase 2, Ron Leach of U. S. Environmental Protection Agency (U.S. EPA) acknowledged that the Eastern Slough is contaminated and they are working on further investigation to be followed by corrective action.

The administrative buildings at Romic were used as office space to conduct business and housed Romic employees. The laboratory building housed the analytical laboratory used for testing. The hazardous waste management activities were conducted either at the Central Processing Area or in the Drum Storage Areas at the site and these will be closed under the Closure Plan in Phase 1 under DTSC oversight. U.S. EPA will oversee the subsurface investigation and cleanup at site in Phase 2.

3.19 MS. CHARISSE DOMINGO

COMMENT 19-1

I really want to reiterate all the comments that came before me, especially about the health and safety plan, and the enforcement of the laws that they just be even more rigorous during this critical period, as Romic closes. And just like Re'Anita said, Romic's history is definitely poor in ensuring safety for their workers. But DTSC's history is also poor in ensuring that laws get followed and violations get followed up on.

RESPONSE 19-1

Comment noted

COMMENT 19-2

So just because they're closing, make this your last legacy and don't let them off the hook. And hope that you take this lesson as you go into other communities, with other facilities, that you don't do the same thing.

RESPONSE 19-2

DTSC's mission is to "provide the highest level of safety, and to protect public health of all Californians and the environment for all Californians from toxic harm." DTSC takes this mission very seriously at every site we clean up and every facility we regulate and inspect throughout the state.

COMMENT 19-3

At the public workshop, DTSC made a commitment to ensure that you will give periodic updates to the community of East Palo Alto on the progress of the work plan, through e-mail and putting things up in the library. So I want to put that in the record to make sure that you do that.

RESPONSE 19-3

Romic will be required to submit monthly status reports to DTSC during the entire length of the project. DTSC will share these reports with the community members via e-mail as well as filed chronologically in a binder located in the East Palo Alto library. Please also see Section 2.3 a) of this RTC document.

COMMENT 19-4

And I want to know when, what does periodic mean, when will you do that. And that's a documented part of the closure plan, to keep you accountable, so that the community can keep you accountable, and that you can keep your work transparent.

RESPONSE 19-4

DTSC will share all of the monthly project status reports, tracking sheets and analytical results received from Romic. These will be distributed via e-mail as well as filed by date of issuance in a binder that will be located in East Palo Alto Library. All of these documents will also be posted on DTSC's website: <http://www.dtsc.ca.gov/HazardousWaste/Projects/Romic.cfm> Please also refer to Section 2.3 a) of this RTC document.

If requested, DTSC will meet with the community members when a major milestone has been completed. Community members can contact DTSC staff with any questions or concerns at any time.

3.20 MR. KALONJI NZINGA

COMMENT 20-1

I'm here to talk a little bit about the health and safety plan. I think everyone here is here because of the health and safety of the community, and that's why everyone, all of our community members have come out today. One issue that I have specifically with the health and safety plan is that we do not have it right now. And I understand that it takes 60 days after

the plan for it to come out, but we need to be able to comment on it, we need to be able to have our input placed on that, because that is why we are here. We are here for that health and safety of the community. So it is great that we got to have the community come out and give these comments, but we want to do the exact same thing for the health and safety plan, when it comes out in 60 days. Thank you.

RESPONSE 20-1

Romic has 60 days to submit the HASP after DTSC approves the Closure Plan. DTSC acknowledges the community interest in the HASP and will share it with the community as received for a concurrent review of the same. Review comments received by DTSC will be forwarded to Romic for their consideration. Please also refer to Section 2.1 of this RTC document.

3.21 MS. KEISHA EVANS

COMMENT 21-1

I support the comments that were made prior to my coming, but I'd like to again underscore the importance of a health and safety plan. And one of the reasons that I'm saying it again, even though it has been said effectively before me, is that we have not seen any indication of the process for accepting this health and safety plan. When it is prepared -- at the workshop, you said that it would be prepared 60 days after the comment period was over. When it is prepared, how will it be disseminated?

RESPONSE 21-1

Community members can request to review or receive any documents by submitting a written request to DTSC. The HASP will be made available once received by DTSC, via e-mail as well as posted on our website: <http://www.dtsc.ca.gov/HazardousWaste/Projects/Romic.cfm>. Also, a hard copy of the HASP will be placed in the East Palo Alto Library.

COMMENT 21-2

How will the community have an opportunity to respond to it?

RESPONSE 21-2

Community members can send their comments and concerns via mail to Suhasini Patel, Project Manager, DTSC, 8800 Cal Center Drive, Sacramento, CA 95826 or by e-mail to spatel@dtsc.ca.gov.

COMMENT 21-3

What will be DTSC's response to the community's response and who will correct those parts of the health and safety plan that need corrected?

RESPONSE 21-3

All comments received from the community will be evaluated by DTSC and appropriate revisions will be required. Romic's contractor will be responsible for finalizing the document as appropriate. No work will begin in the field until the H&S Plan is finalized and accepted by DTSC as complete.

COMMENT 21-4

We are not taking this public hearing lightly because we know that DTSC's track record has been, for us, in our community, very poor. So we don't want to find that after everything is over, the health and safety plan kind of slips through and we don't know anything about it. So the reason for my taking this time to comment on it is because I want to underscore what everybody else said very effectively, but it needs underscoring.

RESPONSE 21-4

Comment noted.

COMMENT 21-5

My second comment has to do with number 3 in the Executive Summary, having to do with competency of performance in the plan - It is very important to us that the competency of the people who do the work is above reproach. We don't want people who end up having workers burned. We don't want people who mess up, oh, we made a mistake, and all this air came up. We are interested in the competency of all of these people who are supposed to carry out this closure plan. And I'd like that on the record that that is paramount. It's no good if we have all this on paper, we come to the meetings. These folks did outstanding research. But that's no good if the people who do the work are incompetent. So how are we going to know that Romic is hiring incompetent -- excuse me -- how are we going to know that Romic is hiring competent people? We have gotten short-shrift in the past.

RESPONSE 21-5

Romic is responsible for the selection of the contractor. The contractor qualification review will ensure that they have appropriate qualifications, experience and resources to complete the work safely and in compliance with rules and regulations of Cal/OSHA. DTSC will hold Romic responsible to make sure that all closure activities meet all applicable state and Cal/OSHA standards.

COMMENT 21-6

And my final comment is on the decontamination process, in this phase one, you said the decontamination process is -- I'm sorry, the phase one of the process is decontamination of the structures, disassembly of the structures, and disposal of the structures. After all is washed and the final -- under the closure activities. After all of the high-pressure washing and the water is

tested, you said the final rinse will go for testing. How do we know -- how does this community know that that final rinse is decontaminated?

RESPONSE 21-6

DTSC will share all of the analytical results along with monthly project status reports and tracking sheets. These will be distributed via e-mail, filed by date of issuance in a binder that will be located in East Palo Alto Library and posted on our website:

<http://www.dtsc.ca.gov/HazardousWaste/Projects/Romic.cfm>.

Please also refer to Section 2.3 a) of this RTC document.

COMMENT 21-7

How do we know that what is going to these other places is really -- really is reusable in any way? If it sounds like I don't trust the process, I have to say maybe the process seems to be better, but we need you to produce results that are acceptable to all of the members of our community.

RESPONSE 21-7

Decontaminated equipment will be offered only to a permitted facility for reuse in a similar process. The confirmation sample analytical results will be available for review as well as the Inventory tracking that will track the date and method of decontamination, to the final disposal destination for each piece of equipment.

3.22 MS. GAIL SREDANOVIC

COMMENT 22-1

I'm a member of the Menlo Park Green Citizens Committee. Also, a member of San Mateo County Democracy for America. And you can be sure they will be hearing about this and we will be following this issue. I admire the work done by the citizens of the community, my hat goes off to them. And I am wondering, as I listened, where all this waste is going? It doesn't affect the folks living here, but I kind of wonder if some other community is going to get a problem that's been moved. That would be interesting to hear. And I would urge you to take a few minutes and imagine your local school, and your local park being just one-half mile away from here. For instance, Hillview, a school in Menlo Park. Or La Entrada Elementary School. Or Burgess Park. Maybe you've seen that on your way here. And imagine that this facility is situated in, for instance, Atherton, okay, and that this room is full of people in suits, carrying briefcases, all right, and just spend a few minutes visualizing that because that's the standard that you need to meet. And a lot of us who've been really watching this process have been kind of disappointed. And we expect to see, you know, more attention. Good people here, good people there. And we hope to see a good outcome that whole community can be proud of.

RESPONSE 22-1

Comment noted. The draft Closure Plan lists all of the above ground equipment and structures that will be decontaminated on-site and disposed off-site. The waste generated by closure activities and the equipment that cannot be decontaminated will be disposed to a landfill that is fully authorized and permitted to receive such waste. Please also see Section 3.6-1 of this RTC document.

3.23 MS. MARIE HENRY

COMMENT 23-1

I attended the meeting that you held earlier this month, and I thought perhaps I was just not understanding something basic that has been discussed prior to my getting involved. But what I'm not hearing is for what reason should Romic be responsible. If it was Romic, and it's now Bay Enterprises, why are we only hearing about Romic, what involvement does Bay Enterprises have?

RESPONSE 23-1

Bay Enterprises is the owner of the property. The Romic facility in East Palo Alto is closed and all operations have ceased. To reflect the new focus on cleanup and redevelopment, Romic has changed the name to Bay Enterprises and will be operating with this name for all closure and cleanup activities. Since the name change is recent, we continue to refer to the facility as Romic instead of Bay Enterprises, formerly known as Romic.

Bay Enterprises and Romic refer to the same entity and is the responsible party for the closure and cleanup of the site located at 2081 Bay road in East Palo Alto.

COMMENT 23-2

I don't understand why, if for 16 years they were operating without a permit, and you had a full community complaining, that now these people are going to all of a sudden become very responsible and does everything exactly as it ought to be done in accordance with the DTSC regulations, and anybody else's regulations. If they violated consistently in the past, to the point where they have had to be closed, what did I miss hearing you say that is going to make them accountable now? I missed it Okay. And I also don't understand that if there are violations, as they continue, whether these are health and safety violations, any of the things that they have presented to you in their closure plan, that you have accepted, what do you intend to do, what is the penalty if they violate? I have heard nothing that says what will bring these people into compliance and that's what I would like to have answered.

RESPONSE 23-2

If Romic fails to comply with the terms of the Stipulation and Order issued to Romic on August 29, 2007(Docket HWCA 2006-1227) – which includes implementation of the approved Closure

Plan, HASP, scheduled deadlines and assure worker safety, DTSC may subject Romic to additional costs, penalties and/or damages, as provided by Health and Safety Code, section 25188, and other applicable provisions of law. Please also see Section 3.14-1 of this RTC document.

3.24 MR. DAVID TSCHANG

COMMENT 24-1

First, I want to congratulate our young people, they are start using their left brain. It's very important we not just using our right brain to feel, you have to learn how to analyze problems, to be aware of the problem. Now, I appeal to DTSC start releasing the information about the process they have been using. There's no way we can make judgment if we don't understand the problem. We need information. So put the process information into the website, so that our young people have a chance to learn firsthand.

Now, what I'm saying is that these are not very complicated problem, the process. Basically, chemical engineering you have thermal, chemical, thermal. You have the known distillation thing, then you also have the known chemical reaction thing. Not difficult. But you, as the young people, you have to fight for your chance to learn things our way. Not just people feeding us all kinds of things. You don't know what they feed us, that's the problem. And people that know something about this never have a chance to get involved in the process. And that is our weakness, our community's real weakness. So it's important that you have to fight for your chance to learn firsthand. Not only that, if possible, the use of reuse of the equipment, why is it that it cannot be used for say, like, recycled oil, so that create jobs for our own people, we own the thing. Always think of we own the thing. Not just begging job. Is a dead end, begging job. If you don't wake up by now, it's too late. This City is going out in a big way that we're going to lose our land.

So the only thing that excites me is the land use in this particular project. That's why I go with you, anything you want me to do, I do. Go to the street, go the office and protest. I do anything just because of the land use. So you have to focus, you want to insist that you understand what they have done to us. In order to do that you need to understand the process. They have to open up their process so that we understand. There's no more company secret on this. Do you see what I'm saying? So don't blame nobody. Start asking ourselves. Change yourself, first. Use your left brain to do rational study. Okay. Then you feel good protecting and that makes sense. Other than that, you lost out people that don't know what they're doing. We are not going to do anything because we lost out, they don't know what to do. Okay? So this is why I'm going to say, we got to fight for this chance to learn everything that we need to know. And then for the next job that you can create your own job using the land.

RESPONSE 24-1

Comment noted. Regarding the land use of the closed site, DTSC would only control the use if contamination is left behind. City of East Palo Alto remains the jurisdiction to consider all

redevelopment proposals, land use concerns and issues. All project related documents are available on our website at: <http://www.dtsc.ca.gov/HazardousWaste/Projects/Romic.cfm>

3.25 MR. MIKE FRANCOIS

COMMENT 25-1

To reiterate on some of the comments that they made, Yes Romic should -- if they have 180 days, like the gentleman said, and if you give them an extension, and if they go past that extension, I think they should be fined. And that fine should go towards YUCA. Okay.

RESPONSE 25-1

Comment noted. DTSC has allowed 360 days for completion of closure as presented in the Closure Activities section of the draft Closure Plan [Closure Plan, subsection 5.2.9, Table 5 on page 171]. DTSC will consider appropriate enforcement action for any non-compliance with the terms of the approved Closure Plan and the Stipulation and Order issued to Romic on August 29, 2007(Docket HWCA 2006-1227) pursuant to Health and Safety Code, section 25188, and other applicable provisions of law. Please also see Sections 3.14-1 and 3.23-2 of this RTC document.

COMMENT 25-2

And if they do hire people who are not trained, because they want to help the community out, those people should be trained properly. Because, I wouldn't like to hear of somebody getting sick later because of improper training.

RESPONSE 25-2

Romic is responsible for the selection of the contractor. The contractor qualification review will ensure that they have appropriate qualifications, experience and resources to complete the necessary work safety training and to maintain compliance with all the rules and regulations of Cal/OSHA. DTSC will hold Romic responsible to make sure that all closure activities meet all applicable Cal/OSHA standards. Please also see Section 3.21-3 of this RTC document.

COMMENT 25-3

Also, one guy commented on sand blasting. Sand blasting can be done with a large tent. I think they can spend money on a large tent.

RESPONSE 25-3

Comment noted. Also, please see Section 3.13 -1 of this RTC document

COMMENT 25-4

And I'm also concerned, even though it's part of the closure, it's part of the clean up, I'm concerned how far they're contaminated. If Romic is here, how far did it go down and how far did it go out? You know, I want to know -- I would like to know that. And if it did go down deep and it did go out far, they're responsible for that.

RESPONSE 25-4

The investigation and cleanup of the soil and groundwater contamination from past operations has been going on for the past 20 years, under U.S. EPA oversight. At the end of Phase 1, formerly inaccessible areas, due to presence of structures and equipment, will become available for a subsurface investigation to determine the nature and extent of the contamination. Thus in Phase 2, effort will be expanded to the entire site. Romic is currently developing a site wide sampling and analysis plan as directed by the agencies, U.S. EPA and DTSC.

COMMENT 25-4

You know, I would like, when you clean up this area, I would like you to treat it like Los Gatos, Palo Alto, as if it was next to Hillsborough, San Ramon, Pleasanton, all those nice areas. Because we're people here, we have feelings, too. We cry, we bleed, we have happy times, birthdays and all that stuff. We're a happy neighborhood on the weekends. We got more bean bag jumping parties than there are bean bags in the State of California, on the weekends. You know, we all like one another here. We try to make it work. So we're counting on you to help us make it work.

RESPONSE 25-4

DTSC will oversee this Closure the same way we oversee cleanups in any other part of the Bay Area or any other part of California. As a department, DTSC has an obligation to provide the highest level of safety, and to protect the environment from toxic harm for all Californians, regardless of where they live.

3.26 MR. CARLOS ROMERO

COMMENT 26-1

My first comment addresses the financial responsibility section of the closure plan. In particular, I believe that the City of East Palo Alto should be named as a party of interest in that bond. It's something that was discussed previously and I think that, clearly, should there be non-performance on the part of Romic, the City of East Palo Alto will indeed want to have some participation within the upcoming process and one of the ways to do that is through that, even if it's party of interest.

RESPONSE 26-2

Under the law, only DTSC can be the beneficiary of the closure financial assurance. In the event that Romic fails to meet its obligation to clean up the site, DTSC will use third party to

implement the approved Closure Plan using monies held in the closure fund. For this reason all financial assurance for the facility is required by regulation to name the Department of Toxics as the beneficiary.

COMMENT 26-2

Two, there is some question around the closure cost estimate which, again, according to the closure plan, indicates that May 28, 2004 DTSC produced a cost closure estimate based on U.S. EPA's cost pro program and subsequently you -- so you generated a figure. That particular figure was then grossed up by what you're calling a GNP, a gross national product, price deflator. Which I'm not quite sure why you're using GNP and not a GDP but, I would say the GDP would be probably the gross domestic product, would be more appropriate than the GNP, because it includes only domestic activity, and the domestic activity is indeed where that labor and product would come from for this particular project.

RESPONSE 26-2

California Code of Regulations, title 22, section 66264.142(b) and 66265.142 (b) specifies using an Implicit Price Deflator (IPD) based on Gross National Product (GNP). When financial assurance regulations were originally promulgated, the IDP based on the GDP was not available. However, owners/operators are allowed to update cost estimates using the annual IPD based on Gross Domestic Product (GDP). The IDP based on GDP produces similar results to the IPD based on GNP.

At this point, since Romic has already eliminated hazardous waste inventory, DTSC believes that the closure fund with \$5,634,373.00 should be sufficient to complete the remaining closure activities. In addition, DTSC has the authority to require Romic to provide additional funding for closure if deemed necessary.

COMMENT 26-3

The other question is, you're only using 2006 -- it's not a question. The other comment is you're using an adjusted 2006 price deflator, but it really should be a 2007. Those numbers usually come out in May and June.

RESPONSE 26-3

All facilities adjust their financial assurance 60 days from the anniversary of their financial mechanism. When this annual event occurs, determines what inflation factor is to be used. Please also see Sections 2.4 and 3.26-2 of this RTC document.

COMMENT 26-4

Before this is approved, clearly those numbers will be available by the Bureau of Labor Statistics, and you can certainly go and use those. And I think they should, at a minimum, be used.

RESPONSE 26-4

DTSC conducts annual reviews of the financial assurance. At this point in the closure process, since Romic has already eliminated hazardous waste inventory, DTSC believes that the closure fund with \$5,634,373.00 should be sufficient to complete the remaining closure activities. In addition, DTSC has the authority to require Romic to provide additional funding for closure if deemed necessary. Please also see Sections 2.4, 3.26-2 and 3.26-3 of this RTC document.

COMMENT 26-5

And if not, really what should happen is there should be a new 2008 U.S. EPA cost pro program run on the project. Why? Because construction costs have gone up greater than even all urban CPI costs, which are similar to those GNP costs that you're using to calculate the bulk-up factor.

RESPONSE 26-5

Comment noted. Please also see Sections 2.4, 3.26-2, 3.26-3 and 3.26-4 of this RTC document.

COMMENT 26-6

Lastly, there's an issue around the hiring of an independent engineer. I understand those funds will be provided by Romic, by the owner of the facility. But there should be some transparency in the selection of this particular person, who will be overseeing or reviewing the activities of the contractor selected to do the cleanup or the closure. So my suggestion is that the plan should mandate some form of public scrutiny related to the selection of that independent engineer.

RESPONSE 26-6

DTSC acknowledges the community's desire to have input in the selection process of the engineer-of-record for the former Romic facility. While DTSC is respectful of this desire, the owners of the facility are responsible for selection of the engineer-of-record. DTSC will work with Romic to ensure that community input is considered, among other factors, in the final selection of the engineer-of-record. The community will be provided an opportunity to meet with the engineer-of-record after he/she has been selected and during the life of the project. Please refer to section 2.3 b) of this RTC document.

3.27 MR. CHARLES KING

COMMENT 27-1

You guys have done some marvelous work getting rid of this thing, if you will. My thoughts, my questions now are what's going to be there now? I mean, what ideas does the City have for that site? So I don't know what the City has plans, I don't know any kind of ideas, but a suggestion is out there. Since Romic is already as hazardous as it can get, I mean, it can't get

any worse than what it is, there are some alternatives that are coming in place. If you guys want to think about it and research it, it's a long shot, but something called biodiesel is on the horizon out there. And the Port of Redwood City, right now, is trying to develop some sort of biodiesel processing facility. So as far as what East Palo Alto can do or can be, you're looking at economic development here. I don't know what's going to go on out there, I don't know. But as a suggestion, since it's already hazardous enough, what do you guys feel about looking at some sort of biodiesel, some sort of green alternative for fuel processing out there? I don't know what this plan is. And that's all I can say right now is just that consider biodiesel as an alternative to economic development for East Palo Alto. Right now, there's a biodiesel service stations opening up all along El Camino. There's one right now. The problem that she has is she can't get supplies of biodiesel fuel. She has to get it from Oakland. So if East Palo Alto can somehow develop this site to where it's processing some sort of economically sustainable, clean sort of fuel, and biodiesel is one of them, East Palo Alto can be a big player in the biodiesel supply business. And it's going to come down the road. We're looking 10 to 15 years down the road. So I don't know what's going to happen with biodiesel. I don't know how the City feels about that, as far as redevelopment goes. I don't know what that place is even zoned for. But biodiesel is something that we should be considering. It's clean, it's safe, and it's going to be necessary. The way fuel costs, \$5, \$6, \$7 a gallon, I'm sorry, chicken fuel, chicken fat, whatever it is, is easier to process. So think about it.

RESPONSE 27-1

The City of East Palo Alto retains the jurisdiction to consider all redevelopment and land use concerns and issues.

3.28 MS. KEISHA EVANS

COMMENT 28-1

I wanted to get on the record the site layout, as was presented in the presentation. As we discussed this whole business, the truck maintenance area and the administrative office are not covered by DTSC, from our understanding. Therefore, they are not included in this plan. And, therefore, when the decontamination, and disassembly, and disposal is completed, those buildings will not necessarily come down. We have gone on record before, over and over, saying that when all of this is completed, we want a flat site. So I just want to put on the record that we still want a flat site. And even though, apparently, San Mateo County HAZMAT has jurisdiction over these two areas, we still want a flat site.

RESPONSE 28-1

The additional structures on site - such as the Romic's former office buildings and the laboratory building as well as the vehicle maintenance building are not considered as hazardous waste management units and are not required to be closed under this Closure Plan or under DTSC's oversight. Any closure or change to these buildings will be done under the oversight of the San Mateo County Environmental Health Department. Please see Section 3.16-2 of this RTC document.

3.29 MR. WILLIAM WEBSTER

COMMENT 29-1

I'm sure that anything that I would say would be totally redundant. All I would hope for, along with everyone else in the community, is that we see this long, agonizing process brought to an end. Which, with me, began with a Peter Evans and Keisha Evans almost 20 years ago? And I gave up all hope that we would see this community tragedy brought to a final resolution. And I have to thank everybody who persisted, particularly the young people in YUCA, who saw to it, when most of their elders had given up hope, that Romic would ever be displaced from this community, with all of the concerns about the health and well-being of the community. But they persisted. And it would be the final tribute to YUCA, who represent the next generation of this community, that the last vestiges of Romic, the Romic tragedy, be completely eliminated so that people can one day look at the soil, and not the in trepidation as to what the consequences to their health will be by treading the soil, or using the soil, the land where Romic once stood for community purposes, whether it be for a public park, or whatever the wisdom of the leaders of this community arrange to bring about after the final, last embers of the cleanup have been wafted away in a friendly wind from the San Francisco Bay.

RESPONSE 29-1

Comment noted.

3.30 MR. DAVID TSCHANG

COMMENT 30-1

This is -- this is -- the duty is on you, okay. The past is past, but you have to do your very best to help us so that our people, young people learn something of this.

RESPONSE 30-1

Our commitment has always been and continues to be to our mission as a state department. We strive "to provide the highest level of safety and to protect public health and the environment from toxic harm" as stated in our mission. This mission means that we protect the environment and the health for all Californians regardless of where they live in the state.

COMMENT 30-2

And as far as the land use goes, I think we have to use this so that we can generate revenue, so that our young people can own these jobs. I think if we have a choice, as far as I'm concerned, bedroom for the rich or bedroom for the poor is the wrong use of the land. We have enough of this bedroom in East Palo Alto. We have not one single square feet to create our own jobs. To create a job, you need a tool. Land use is a tool.

RESPONSE 30-2

Comment noted. DTSC does not determine land use in any of the communities we serve. Instead, the local jurisdictions, the counties and cities make land use decisions on regular basis.

COMMENT 30-3

We don't want to be treated by a Red Indian, or the people in South America. Deny the land use and then we got forced to migrate here, and then got treated as a third class citizen. Think, okay. You don't think, no one's going to think for you. That's the only thing I wanted to say. This is not a political speech. We, in order to survive, we have to work with each other. In order to create our own job so that we can learn, using bonding, work bonding; create a situation that we change our culture. And I thank you so much for the opportunity to speak at this additional time.

RESPONSE 30-3

Comment noted. DTSC appreciates and agrees with the sentiment that we have to work together for the common good.

3.31 MR. MICHAEL MASHACK

COMMENT 31-1

First of all, I want to congratulate and continue to encourage these young people of YUCA. You guys are doing a fantastic job. I thank you. My family thanks you for what you've done to get rid of not only an eyesore, but just a danger to our community. Somebody said these kids are the future of this community and they certainly are. I haven't really followed much of what's going on because I'm busy. And that's another reason I thank you all, because I'm busy. You guys are stepping up and taking the mantle. God bless you. What I have heard, though, is that -- and what I'm concerned about is that the DTSC really hasn't stepped up. You're a government agency; your responsibility is to the people of this State. Even more than -- and especially to the future of this State. I would hope that the message goes back that there's certain -- there's a certain care, there's a certain responsibility that you definitely need to manage. And again that's -- I really wasn't going to say anything. But, again, to thank you kids, and to make sure that you realize that your responsibility is to the people of this City.

RESPONSE 31-1

Comment noted.

3.32 MR. MIKE FRANCOIS

COMMENT 32-1

You know, when you get your results, like we're asking for, and you keep the City informed, and

you pass it, pass it to Mr. Carlos over there, the guy with the pretty long hair over there. Give it to him. Because Carlos will make sure it gets distributed. You know, we have a City Council, but the City Council I can only trust, really, one person on the City Council to take it serious. And that's her husband, because he takes this very seriously. That's why he's been involved with it for 20 years. You can give it to him, but he can't get no – he won't be able to get a second to pass it around. But if you give it to Carlos, it will get around. If you give it to YUCA, it will make it around. And, plus, your name's going to be on it; right, you're representing a company.

RESPONSE 32-1

Comment noted. DTSC plans to share monthly progress reports on the closure of the former Romic facility with the local community representatives. Please see Section 2.3 a) of this RTC document.

COMMENT 32-2

And, also, Charles talked about the diesel fuel. That's a good thing, it brings in income for the City, but I understand what YUCA's concerned about environment, and I know you're concerned about environment. You say, if you're going to put diesel there, why clean it up that much? Well, it still needs to be cleaned.

RESPONSE 32-2

Comment noted. The second phase of this project will involve investigation and cleanup of subsurface soils and continued treatment of groundwater; after the above-ground equipment has been removed from the site in Phase 1. Also, as you may know, the City of East Palo Alto retains jurisdiction over redevelopment proposals, and land use decisions. Please also see Section 3.25-4 of this RTC document.

COMMENT 32-3

Second of all, Charles and I once talked about, and I think you may like this. And this is something that may interest you, it's off the subject, but it's on the subject. We thought about a hydroplane that takes people across the water, on a boat. You know a hydroplane boat. You've seen them in the James Bond movie. People laugh at them, but they work. Especially now, during the gas crunch. There are a lot of cars not on the highway in the morning. I don't have to leave as early. I can leave later, now, and still get to work. But we have the perfect setup for it. We could be the grass roots city for that. You build a couple – you have a couple hydroplanes, there are people who would donate money for that. This is something that will make the next guy who runs for Governor look great. You run these hydroplanes across the water. A big parking lot out here, people drop their cars off here, in East Palo Alto. The City can build the parking lot on credit that the people parking in the parking lot will pay for the parking lot. The parking lot's eventually paid for, the City receives excess money. People in the City, and abroad, and around can get, receive jobs. And why will it work? Because you guys cleaned up the land, you have grass out there, you can have a little park out there, you've made

it look nice, you take credit for it and they'll say, man, this is really nice. Well, we'll say because of YUCA, and DSTC -- or DS whatever you guys are. You see where I'm going with that? That's a clean thing; it can be made to work. The City will benefit from it. It will be something you guys can say you had a hand in. I know it's not something you do, but it's just something to consider. And I just wanted to bring that to YUCA's attention, and anybody else who's interested in it. Like you said, Mr. Tschang, land use, jobs in the community, that's well, sustainable jobs, that would be owned by us. That covers everything.

RESPONSE 32-3

Comment noted.

3.33 PALO ALTO REGIONAL WATER QUALITY CONTROL PLANT, MR. JAMES STUART

COMMENT 33-1

As you know, late last year the East Palo Alto Sanitary District closed Romic's wastewater discharge permit and verified that all process wastewater and storm water discharge pipes were sealed with concrete. Based on our understanding of the closure plan absolutely no wastewater or storm water will be discharged to the sanitary sewer system. Is this understanding correct?

RESPONSE 33-1

Yes, that is correct. No wastewater or stormwater from the former Romic facility will be discharged to the sanitary sewer system.

Wastewater generated by closure activities will be collected, tested for waste analysis before it is disposed offsite. Romic has been collecting stormwater and shipping it offsite for treatment and disposal.

3.34 CITY OF PALO ALTO, MR. DAREN ANDERSON

COMMENT 34-1

I help manage Palo Alto's Baylands Nature Preserve. The Baylands Preserve borders end of Bay Road, and we have a trail entrance right across the street from the auto salvage yard at the end of Bay Road.

I would like to suggest that Romic repair/repave Bay Road up to the entrance gate of the Ravenswood Open Space Preserve as a clean-up expense. Their heavy trucks on the road have certainly contributed to a lot of structural damage to the road surfaces. The road is in abysmal condition. I believe the repairs would make the area more inviting to people wishing to visit the Baylands or Ravenswood.

RESPONSE 34-1

The scope of this Closure Plan is hazardous waste management areas at the site. Road improvement is beyond DTSC's jurisdiction and scope of the Closure Plan. The City of East Palo Alto, Public Works Department is responsible for maintenance of city streets and roads.

3.35 MS. GAIL SREDANOVIC

We are writing on behalf of San Mateo County Democracy for America in support of the citizens of East Palo Alto who want to see the cleanup of the former Romic site carried out in a transparent, complete, effective and timely manner with adequate health and safety procedures in place. Key features would be:

COMMENT 35-1

-Listing of closure activities with time frames and inspection schedule

RESPONSE 35-1

Closure activities and Closure Schedule are described in the Draft Closure Plan. Inspection schedules are generally not publicized however, Inspection Reports, will be made available upon written request.

COMMENT 35-2

-Community oversight re hiring for the project

RESPONSE 35-2

DTSC acknowledges the community's desire to have input in the selection process of the engineer-of-record for the former Romic facility. While DTSC is respectful of this desire, the owners of the facility are responsible for selection of the engineer-of-record. DTSC will work with Three Cities Research, the owner of the property, to ensure that community input is considered, among other factors, in the final selection of the engineer-of-record. The community will be provided an opportunity to meet with the engineer-of-record after he/she has been selected and during the life of the project. Please refer to Section 2.3 b) of this RTC document.

COMMENT 35-3

-Inclusion of the entire site and all buildings ("flat site")

RESPONSE 35-3

At the end of Phase 1, only clean concrete surfaces will be left behind. All of the hazardous

waste management units – the equipment and structures that were used in management of hazardous waste will have been decontaminated, disassembled and disposed offsite as described in the Draft Closure Plan.

It should be noted that, there are additional structures on site - such as the Office and Administration buildings and the Laboratory building as well as the Vehicle Maintenance buildings. These are not considered as hazardous waste management units (HWMUs) and not required to be closed under this Closure Plan. Please see Section 3.16-2 of this RTC document.

COMMENT 35-4

-Disclosure of technology to be used

RESPONSE 35-4

Closure activities and the methods of decontamination, as well as equipment to be used for disassembly and disposal transport are described in the Draft Closure Plan. Standard Operating Procedures will be included in the HASP.

COMMENT 35-5

-A schedule of progress reports to the community

RESPONSE 35-5

Romic will submit a monthly status reports during the entire length of the project. DTSC will share all of the project status reports, tracking sheets and analytical results received with the community. These will be distributed via e-mail as well as filed by date of issuance in a binder that will be located in East Palo Alto Library and posted on our website:

<http://www.dtsc.ca.gov/HazardousWaste/Projects/Romic.cfm>.

Please refer to Sections 2.3 a), and 3.19-4 of this RTC document.

COMMENT 35-6

-Prior disclosure of the budget with designation of source of funding

RESPONSE 35-6

Cost estimates are included in Attachment D of the Draft Closure Plan. These cost estimates will be revised for the closure activities of the approved Closure Plan and included in the Closure Plan. Romic will fund the closure activities independently while the financial assurance in the form of a surety bond is monitored by DTSC, who is also the beneficiary. The funds held in the surety bond would become the source of funding in an event Romic fails to complete the implementation of the approved closure plan.

COMMENT 35-7

-Disclosure of enforcement procedures

RESPONSE 35-6

DTSC and other agencies such as Cal/OSHA will consider appropriate enforcement actions based on the nature and extent of violation. If Romic fails to comply with the terms of the Stipulation and Order issued to Romic on August 29, 2007(Docket HWCA 2006-1227) – which includes implementation of the approved Closure Plan, HASP, scheduled deadlines and assure worker safety, DTSC may subject Romic to additional costs, penalties and/or damages, as provided by Health and Safety Code, section 25188, and other applicable provisions of law. Please also see Sections 3.14-1, 3.23-2, and 3.25-1 of this RTC document.

COMMENT 35-8

-Release of the health and safety plan for public comment before approval of the plan

RESPONSE 35-8

DTSC plans to share the draft HASP with the interested members of the community within the first week of the 30-day review process for them to review and comment; concurrent with DTSC's review. Please refer to Section 2.1 of this RTC document.

COMMENT 35-9

These are all reasonable features to ask for, especially in light of past enforcement issues. San Mateo County Democracy for America(SMCDFA) is a very active chartered Democratic club. We will be watching the progress of this project with great interest, as it affects the whole community.

RESPONSE 35-9

Comment noted and DTSC appreciates your interest.

3.36 MS. DALILA ADOFO

I am Dalila Adofo and I am from YUCA (Youth United for Community Action). I have written a few comments having to do with the CEQA document. I would like these comments to be submitted and considered for the commentary period for this document
Section: Utilities and Service Systems (points 1-3)

COMMENT 36-1

Pipelines that are carrying the wastewater from the site should be inspected to ensure that the wastewater does not contaminate the ground water.

RESPONSE 36-1

Romic's wastewater discharge permit has been revoked and all process wastewater and storm water discharge pipes were sealed with concrete.

Wastewater generated by closure activities will be collected, tested for waste analysis before it is disposed offsite. Romic has been collecting stormwater and shipping it offsite for treatment.

COMMENT 36-2

The public should know how the water is separated to be treated onsite and off site. The public should also know where the water, that is not treated onsite, goes.

RESPONSE 36-2

Romic has been shutdown since August 2007. All wastewater will be shipped offsite for treatment and/or disposal based on the waste analysis. Romic will ensure that the treatment and disposal facilities are permitted to receive the waste stream in question and DTSC will be notified of all selections of final disposal facilities by Romic.

COMMENT 36-3

The public should know the methods of the disposal of solid waste, such as crushing and/or incinerating. The public should also know how it affects the environment.

RESPONSE 36-3

All waste will be disposed offsite – The offsite treatment and disposal will depend on the nature of the waste and the waste disposal method will depend on the treatment facility receiving the waste. Waste will be disposed only at the permitted facilities; that are permitted to receive and treat the waste in question and also in good standing with the authorizing agency. The authorizing agency would require an environment impact analysis as part of their permitting process.

Waste transported to a landfill to be burned in an incinerator to make energy, or to be recycled or treated, will be properly packaged and transported in crates accompanied by a Manifest; for safe transportation as required by the U. S. Department of Transportation regulations.

COMMENT 36-4

The public wishes to know the methods of how you grade the impact of the wastewater and what you consider safe and not needed for treatment.

RESPONSE 36-4

Wastewater generated by closure activities will be collected, and analyzed for proper classification of the waste before it is disposed offsite. Based on the waste classification, a permitted treatment and disposal facility will be selected. The specific waste classifications and treatment standards are specified in California Code of Regulations, title 22, Article 4

COMMENT 36-5

The public has issues with how the wastewater is contained in the underground collection system.

RESPONSE 36-5

The underground collection system was used when Romic was in operation. Romic's wastewater discharge permit has been revoked and all process wastewater and storm water discharge pipes were sealed with concrete. Romic will collect all wastewater generated by closure activities in above ground tanks. Then, Romic will test the wastewater and based on the analytical results; the wastewater will be disposed offsite at a permitted facility.

COMMENT 36-6

The public wants to know if the water is safe enough to be used by the employees.

RESPONSE 36-6

Water used on-site is from the municipal water supply and is the same water used by the local businesses and residents in the area. The Hetch Hetchy aqueduct system is the primary source of water provided to the City of East Palo Alto by the American Water Company. Please contact them through their local office located in the East Palo Alto City Hall for further information on the quality of the water they provide to your community.

COMMENT 36-7

The public wants the information of, how the waste will impact the Ox Mountain Sanitary Landfill's capability to receive waste, to be released to them.

RESPONSE 36-7

The Ox Mountain Sanitary Landfill is one of the landfills that may be utilized to handle or dispose of the waste from the Romic facility based on the waste characteristics and the capacity of the landfill receiving the waste. Each landfill can accept or refuse waste based on the waste characteristics and their available capacity.

The Ox Mountain Sanitary Landfill located in Half Moon Bay, is a permitted facility owned and operated by Allied Waste Industries, Inc. and their current permitted capacity is 3,598 Tons per day.

COMMENT 36-8

The public wishes to know how the waste is considered treatable and what is considered not treatable.

RESPONSE 36-8

Waste generated by closure activities will be collected, tested and classified before it is disposed offsite. The analytical results will help to determine if the wastewater can be treated by a permitted facility receiving the waste. If the waste is identified as a listed waste or shows the characteristics of a hazardous waste then it will be treated or disposed at a hazardous waste facility.

All hazardous waste Treatment Storage and Disposal Facilities (TSDFs), require the generator to conduct a detailed chemical and physical analysis of a representative sample of the waste to ensure that they have sufficient knowledge of the wastes they are receiving; to manage the waste properly and to ensure that they are permitted and equipped to treat or dispose the waste. Wastes that are ignitable, reactive or incompatible wastes are considered hazardous waste and must be disposed as such.

COMMENT 36-9

The public also demands to know how the waste is disposed of and how this method of disposal is going to impact the environment

RESPONSE 36-9

DTSC requested Romic to follow "Green Closure Practices" that would minimize the amount of hazardous waste sent to a landfill and Romic has proposed other disposal options to reduce the amount of waste – Only equipment and structures that cannot be decontaminated will be disposed as waste and sent to a Landfill.

Disposing of waste in a landfill is dictated by their permit. Their permit specifies what they can or cannot accept and also how they handle disposal. The permits are intended to ensure that the disposal method is appropriate, safe and protective of the human health and the environment.

3.37 MR. THOMAS WILLIAMS

COMMENT 37-1

DTSC needs to give approximated completion dates to the various jobs needed to complete the closure of the ROMIC facility.

RESPONSE 37-1

The draft Closure Plan discusses the anticipated closure schedule in the Closure Activities section [Closure Plan, subsection 5.2.9, Table 5 on page 171]. The closure activities associated with a long list of equipment and structures combined with four different disposal options, disallows laying out an exact schedule. Presumably, several teams will be working on more than one piece of equipment at any given time. Please refer to Sections 2.3 a) and 3.17-1 of this RTC document.

COMMENT 37-2

DTSC needs to keep in touch with YUCA and other community members about the contamination of the site back there, using someone like an independent contractor. Because based on the history of the violations of ROMIC, we want to be informed by DTSC.

RESPONSE 37-2

DTSC will continue to work with the community, share all work plans, reports and analytical results as well as closure activity tracking sheets. Monthly progress reports will be distributed via email, filed by date of issuance in a binder that will be located in East Palo Alto Library and posted on our website: <http://www.dtsc.ca.gov/HazardousWaste/Projects/Romic.cfm>.

If requested, DTSC will also meet with the community when major milestones have been completed. Also, the community is welcome to contact DTSC staff at anytime with any questions or concerns. Please also refer to Section 2.3 a) of this RTC document.

COMMENT 37-3

ROMIC should help, if by some disaster, the Gloria Well would have been damaged, by paying for a new one, because of all the contamination it's probably done to the water supply.

RESPONSE 37-3

There is no indication to date that the former Romic facility or its predecessors at 2081 Bay Road have contaminated any of the drinking water wells serving East Palo Alto.

The City of East Palo Alto is in the process of rehabilitating the Gloria Bay groundwater well and studying the potential for development of additional groundwater supplies through installation of

new wells. Please contact City Public Works for the progress of this rehabilitation work and study.

COMMENT 37-4

Can a fine be applied for not meeting the deadline, minus one grace period day at \$200.00 per day; and all the proceeds could go to YUCA

RESPONSE 37-4

DTSC does not understand which deadline the commenter is referring to. If the deadline referred to is completing all of the closure activities of Phase 1 in one year's time, as required by DTSC's August 29, 2007 Order, then Romic may request an extension for good cause. DTSC may grant the request if DTSC believes that the extension request is warranted. If DTSC does not grant Romic the extension and they exceed the 360 days, then DTSC can take enforcement action which includes fines and penalties, under the Health and Safety Code and other applicable provisions of California law.

COMMENT 37-5

I'm requesting that only EPA certified and, or, qualified persons be allowed to work, no day workers or temps. This would be a safety precaution for all of the person's safety and health.

RESPONSE 37-5

California Division of Occupational Safety and Health, better known as Cal/OSHA is responsible for regulating worker safety. The contractor qualification review will ensure that they have appropriate qualifications, experience and resources to complete the work safely and in compliance with rules and regulations of Cal/OSHA.

The contractor must ensure that their personnel are at a minimum, 40-Hour hazardous waste handling and response certified (HAZWOPER certified); and experienced to complete the work safely and in compliance with Cal/OSHA rules and regulations. Cal/OSHA requires that personnel working on hazardous waste site activities must be trained for hazard identification and evaluation, hazard control, and preparation for emergencies.

COMMENT 37-6

CEQA Comments: In section 8, Hydrology and Water Quality you state that the water from the North Drum Storage Building is discharged into the unnamed slough. My comment is that DTSC needs to state what happens to that water after being discharge into the slough.

RESPONSE 37-6

The Initial Study in Section 8, Hydrology and Water Quality states that rainwater collected from the roof of the North Drum Storage Building is discharged directly into the unnamed slough east

of the facility. The roof's collected rainfall does not reach the ground at the site and it does not come into contact with industrial activity at the site. Once the water from the roof of the North Drum Storage Building enters the slough, it flows into the San Francisco Bay much like the water from roofs of the other buildings and homes in the area. Also, please refer to Section 2.5 of this RTC document.

3.38 MS. BRENDA NARANJO

Hi, my name is Brenda Naranjo my address is 2505 Baylor St. in East Palo Alto after reading the CEQA document, the following are my comments.

COMMENT 38-1

(Page 20 paragraph.2) Site history mentioned contamination found 5 ft. - 75 ft, paragraph 2 mentions facility ground level is 4ft. - 11ft. above sea level explain how 6ft. difference of contamination above sea level vs. below sea level.

RESPONSE 38-1

Commenter is referring to Biological Resources section on page 20 and Site History on page 8 of Initial Study for CEQA.

Biological Resources section of CEQA Initial Study (page 20) refers to Romic Facility location. Elevation of the Romic Site is stated as 4 to 11 feet above mean sea level. This simply means that the ground level at this site is between 4 feet and 11 feet above mean sea level (amsl). The Romic site is located approximately ½ mile west of the San Francisco Bay, bordered by tidal sloughs that flow into the Bay. The 14-acre site is graded and the cap filled with heterogeneous materials is not uniform in thickness all through out the site. At highest point the surface is 11 feet above the mean sea level whereas; at its lowest point the site is merely 4 feet above the mean sea level.

Site History described on page 8 of the Initial Study for CEQA, refers to the investigation of groundwater contamination at the site that revealed that shallow groundwater from 5 feet to 75 feet below ground surface (bgs) is contaminated.

At this site, a miscellaneous mixture of fill material overlies layers of silt and clay. These layers do not allow water to readily pass through them and are called aquitards. However, between the layers of silt and clay are deposits from rivers and stream channels composed of gravel, rock and sand. These channels allow passage of water horizontally and are known as the water bearing zones. At this site, there are three water bearing zones called A-, B- and C- zones located from the surface to a depth of approximately 80 feet bgs. Each of these water bearing zones are located from 5 feet to 75 feet bgs; vertically separated by varying thickness of aquitards. [Please refer to Figure B-14B, Attachment B, Draft Closure Plan]. In 1988 Romic entered into an agreement with U.S. EPA that required Romic to investigate the extent of soil and groundwater contamination from past operations at the Facility. This

investigation found that these three groundwater bearing zones: A-, B- and C- were contaminated.

COMMENT 38-2

Explain how contamination below sea level affects the Bay\ Ocean.

RESPONSE 38-2

Groundwater monitoring and treating of groundwater contamination at this site has been overseen by U.S. EPA since 1993.

Groundwater contamination onsite is currently being addressed through enhanced reductive dechlorination, an *in situ enhanced* biological treatment method. This method has been implemented as an interim remedial measure, and is proposed as a final remedy by U.S. EPA. The method involves injection of an organic carbon mixture of cheese, whey and molasses that serves as a food source for naturally occurring microbes. The mixture enhances the growth of the microbes and helps create conditions favorable to the degradation of the organic contaminants that are present in the groundwater.

Interim remedial measures using enhanced biological treatment are currently being used along the down gradient boundary of Romic facility to limit the off-site migration of contaminated groundwater toward San Francisco Bay.

No major stream channels are located near the Facility, except the two artificially created tidal sloughs. The north slough drains to the east slough, adjacent to Romic and both sloughs ultimately drain to San Francisco Bay. Volatile Organic Compounds (VOCs) have been detected in the surface water of the sloughs however; the VOC concentrations do not exceed the Surface Water Estuarine Screening Levels. These screening levels are the media cleanup objectives selected by U.S. EPA and the surface water is monitored on a quarterly basis.

COMMENT 38-3

(Paragraph 4) Explain how contamination affects wild life species and designation less than significant impact.

RESPONSE 38-3

The Romic Facility is located within the City of East Palo Alto, between the East Palo Alto urban area and the western shore of San Francisco Bay. There is no viable habitat within the Romic facility because concrete, asphalt, gravel or buildings cover most of the site. Terrestrial and avian wildlife species that are present or expected to be present in the general project vicinity are primarily associated with the aquatic environment to the north and east of Romic, especially San Francisco Bay.

Since the proposed closure activities described in the Draft Closure Plan will occur entirely within the boundary of the Romic facility where no wildlife habitat or wetlands are present, these

project-related activities will have no impact on any plant, fish, or wildlife habitat. Also, please refer to Section 2.5 of this RTC document.

COMMENT 38-4

(Paragraph 7) Explain during decontamination how to prevent contamination from species of local concern and why ROMIC was allowed to operate.

RESPONSE 38-4

Commenter is referring to California or Pacific cord grass which is listed as a Species of Local Concern within the Palo Alto and Mountain View topographic quadrangles. While these species are of concern in the general project vicinity of the site – they are not present within the Romic facility because concrete, asphalt, gravel or buildings cover most of the site. Also, please refer to Section 2.5 of this RTC document.

COMMENT 38-5

(Page 22 Para. 4) Explain how closure\CEQA considered endangered\threatened candidates during closure.

RESPONSE 38-5

CEQA environmental analysis for impacts from the closure activities considered the following special-status species and their habitats as required by California and Federal Endangered Species Acts.

Two sensitive plant species, the Point Reyes birds-beak (*Cordylanthus maritimus* ssp. *palustris*), a federal species of concern, and the California seablite (*Suaeda californica*), a federal endangered species, are expected to be in the general vicinity of the proposed project. In addition, there are sensitive mammals and birds that are expected to inhabit the area around the Romic facility. Mammals include the salt marsh harvest mouse (*Reithrodontomys raviventris*), a federal and California endangered species, and the salt marsh wandering shrew (*Sorex vagrans* ssp. *halicoetes*), a California Department of Fish and Game (CDFG) species of special concern. Birds include: the California clapper rail (*Rallus longirostris obsoletus*), a federal- and state-listed endangered species, the Alameda (South Bay) song sparrow (*Melospiza jamaicensis coturniculus*), a federal species of concern and CDFG species of special concern, the northern harrier (*Circus cyaneus*), also a CDFG species of special concern, and the California black rail (*Laterallus jamaicensis* ssp. *corurniculus*), a CDFG Fully Protected and California Threatened Species.

The proposed project will occur entirely within the existing Facility boundary. The Facility is fenced, and there is no viable ecological habitat onsite, as concrete, asphalt, gravel or buildings cover all but a very small part of the Site. As a result, the proposed project will not have a significant adverse impact on any sensitive species or their habitats existing outside the project site. Also, please refer to Section 2.5 of this RTC document.

COMMENT 38-6

(Page 24) Explain how arrived @ less than significant impact and how to prevent "accidental" releases.

RESPONSE 38-6

The proposed project will occur within the existing Facility boundary. The Facility is fenced, and there is no viable ecological habitat onsite, as concrete, asphalt, gravel or buildings cover most of the Site. Furthermore, the project will be implemented following Best Management Practices for loading and unloading trucks within the boundaries of the facility; and use of containment berms and basins to keep accidental releases within the site. This will ensure that the project will not have a significant adverse impact on plant or wildlife species in the area, including the candidate, sensitive or special status species. Also, please refer to Section 2.5 of this RTC document.

COMMENT 38-7

(Page 25) Site history mentions contamination is moving towards the Bay, explain the arrival of "no impact" to wetlands.

RESPONSE 38-7

Groundwater (not surface water) at the site is contaminated and generally flows towards the Bay. U.S. EPA has been monitoring groundwater quality through a system of groundwater monitoring wells. Also, groundwater remediation is currently ongoing at the facility using enhanced bioremediation technique using cheese whey and molasses.

The proposed project will occur within the existing Facility boundary and detailed control measures are incorporated into the Closure Plan to ensure that no off-site surface water contamination will result from closure activities. Continuing groundwater analysis and remediation activities under U.S. EPA's jurisdiction are additionally protective of water quality in the vicinity of the project site.

COMMENT 38-8

Explain how arrive at all conclusions; explain how areas likely to create an impact does create the impact on analyzed areas.

RESPONSE 38-8

Environmental analysis considers all of the facts pertaining to the site as well as in the vicinity of the site. The facts are then analyzed for the proposed project – in this case, the proposed project is closure activities of the Facility at the site. The Facility is fenced and covered with concrete, asphalt, gravel or buildings. Thus although wetlands are present near the site and

there may be plant species of local concern in East Palo Alto, the project will not have a significant adverse impact on them since closure activities will occur within the boundaries of the site where none of the plants or animals are present. Also, please refer to Section 2.5 of this RTC document.

COMMENT 38-9

How monitoring of airborne particulate matter is going to happen?

RESPONSE 38-9

Closure activities are limited to work on aboveground equipment on a paved industrial site, with no soil or geological disturbance. Decontamination could generate some airborne particulate matter however, all equipment will be vacuumed and vapors captured using carbon activated filters. Furthermore, the equipment and structures will be lightly misted before high pressure washing begins. Thereby, any fine particulate matter adhering to the surface will be wetted down and flow down where it will be contained. If any other activity causes dust or particulate matter to get airborne, it will be suppressed using water spray.

Water suppression is the simplest and best method for managing airborne particulate matter and the project will be implemented following Best Management Practices.

3.39 MS. MIRIAM CRUZ

Hi my name is Miriam Cruz, I live at 2135 Clark Ave east Palo Alto C.A 94303. After reading the CEQA analysis, the following are my comments:

COMMENT 39-1

Section: Aesthetics pg.11 paragraph.1

Explain how demolition (dust, noise, particles) will affect the Baylands preserve adjacent to the facility.

RESPONSE 39-1

Noise: The area immediately surrounding the Romic facility generally is comprised of land uses that are not considered noise-sensitive. Land uses to the north and east are mostly open space. Land uses to the south and west are generally heavy and light industry. Existing noise levels are within standards established for an industrial setting, and the proposed project would remain within those standards.

The area is also approximately one mile north of the Palo Alto Airport, and frequent air traffic is a contributor to the local noise environment. The noise levels are at 110 dBA (decibel) when a jet flies overhead at a height of approximately 1000 feet. Noise from on-site activities of the proposed project would periodically increase on and off over the 12-month period, with the decontamination and deconstruction of existing tanks, equipment and structures and sealing concrete or removing of concrete cover. Typical noise levels for the kinds of equipment that

may be used on-site are all measured to be less than 110 dBA. [Refer to Tables 4a/b, Initial Study]. Furthermore, the noise will be loudest at the site but will be reduced substantially by the time it reaches off-site receptors; and will be within the standards established by the City of East Palo Alto Ordinance. Therefore the temporary and periodic increase in noise level from the project will have a less than significant impact on ambient noise levels.

Dust and Particles: Closure activities are limited to work on aboveground equipment on a paved industrial site, with no soil or geological disturbance. Decontamination could generate some airborne particulate matter however, all equipment will be vacuumed and vapors captured using carbon activated filters. Furthermore, the equipment and structures will be lightly misted before high pressure washing begins. Thereby, any fine particulate matter adhering to the surface will be wetted down and flow down where it will be contained. If any other activity causes dust or particulate matter to get airborne, it will be suppressed using water spray. Thus dust and particulate matter will be managed onsite and will not affect the neighboring Baylands preserve. Also, please refer to Section 3.38-9 of this RTC document.

COMMENT 39-2

Section: Aesthetics pg.11, paragraph.2
CEQA analysis states "no impact" on Route 280, however it neglects to make an analysis of impact on Highway 84 that runs through the Baylands.

RESPONSE 39-2

The commenter is referring to the discussion of potential impacts of the closure activities on scenic resources associated with a designated scenic highway: Route 280 is the nearest officially designated state scenic highway, which lies approximately 5 miles southwest of the Site. Highway 84 is also known State Route 84 (SR-84) as well as Bayfront Expressway; is not designated as a scenic highway.

The City of East Palo Alto's General Plan does not identify any scenic resources within the city. Specific natural features, such as the Baylands, San Francisquito Creek and the shoreline are identified as resources that provide visual changes in the urban environment that create interest and these resources need to be preserved and enhanced to maintain the natural physical and visual quality of East Palo Alto.

Project-related activities will occur entirely within the fenced Site and the proposed Site closure project would result in the deconstruction of all visible equipment and systems resulting in aesthetic improvements to the site.

COMMENT 39-3

Section: Aesthetics pg.12 paragraph.1
Explain the need for night time lighting after Phase 1 Closure Activities if the site is empty.
Explain need for security of an empty site.

RESPONSE 39-3

Romic was in the business of managing hazardous waste and all of the closure activities as well as cleanup activities are to be conducted at this hazardous waste site. Therefore, even after Phase 1, when the proposed closure activities are completed and all of the standing structures are removed, nighttime lighting will still be necessary for site security. Phase 2 involves subsurface investigation. The subsurface investigation will involve digging bore holes and trenches for sampling and excavation. Adequate nighttime lighting would be necessary to prevent any accidents.

COMMENT 39-4

Section: Agricultural resources pg.13 paragraph.8

Although the City of EPA may not have zoning for agricultural uses, CEQA analysis only sites the county zoning. Many residents use residential zoned property to perform agricultural uses such as growing vegetables, fruits, and other plants. Explain how project activities could affect these homes gardens, many of which are located within a one mile radius.

RESPONSE 39-4

The Romic Site is situated entirely within an “urban and built-up land” area as defined by the California Department of Conservation. The proposed closure activities at Romic will occur within the existing Facility boundary. The Facility is fenced and covered with concrete, asphalt, gravel or buildings. Also, closure activities are limited to work on aboveground equipment on a paved industrial site, with no soil or geological disturbance. Thus the project will not have any significant adverse impact on residences (including home gardens) even if located approximately within a one mile radius.

COMMENT 39-5

Section: Air quality pg.16 paragraph.5

Criteria pollutants

Explain cumulative impact of ROG, NOx, and PM10. AQMD has had a history of not properly monitoring emitting facilities and has many outstanding unresolved violations with Romic describe how DTSC will calculate these emissions, make mitigation and make AQMD enforce oversight.

RESPONSE 39-5

Cumulative impact of ROG, NOx, and PM10: Current thresholds set by Bay Area Air Quality Management District (BAAQMD) are 15 tons/year or 80 pounds/day for Reactive Organic Gases (ROG), Nitrogen Oxides (NOx) or PM10. Any project that generates criteria air pollutant emissions in excess of the BAAQMD annual or daily thresholds would be considered to have a significant air quality impact. Also, any project that would individually have a significant air quality impact would be considered to have a significant cumulative air quality impact.

Air Quality: Romic is located within the San Francisco Bay Area Air Basin and the agency responsible for enforcement of the air quality standards and toxic emissions in the project area is the BAAQMD. This area has been in non-attainment for only one criteria pollutant, PM₁₀.

The BAAQMD CEQA Guidelines provides guidance on how to evaluate the impact(s) of a proposed project on local and regional air quality. It also provides direction on how to evaluate potential air quality impacts, how to determine whether these impacts are significant, and how to mitigate these impacts and provides formulas and procedures to manually calculate the CO concentrations at impacted intersections and roadway segments.

COMMENT 39-6

Section: Air quality pg.17 paragraph.5

Toxic air emissions

MEI in 2001 and 2003 was based on a middle aged male in good health. Our community does not reflect this demographic. Our community has a high population of young people to 24 and elders over 50 and many women, toxic air emission would affect these people in these studies.

RESPONSE 39-6

Commenter is referring to the Human Health Risk Assessment and Ecological Risk Assessment for Romic's East Palo Alto Facility, conducted by ENVIRON Corporation in February 2001 and Addendum in September 2003, when Romic was in operation at full capacity. This study estimated reasonable maximum exposure (RME) cancer risk based on potential 30 years of exposure for adult and child residents to a Romic in full operation. The study also included nearby workers, individuals on nearby Bike path, Schools, Daycare centers, Health Care Facilities and Senior Homes. Using worst-case assumptions, no individual chemical has an estimated risk of greater than 1×10^{-6} (1 in 1,000,000) and the estimated chronic Hazard Index (HI) for a resident to be less than 1 from a Romic in full operation.

The closure activities include decontamination and disposal of above ground equipment and structures, not any operation of the former facility. The site is paved and the existing pavement will be decontaminated and left intact at the end of Phase 1. Decontamination will be done at the site within secondary containment areas and the project will be implemented following Best Management Practices including dust and vapor suppression, as well as standard health and safety protocols for the protection of the industrial worker and the surrounding human and natural environment.

The implementation of the proposed project will not result in a considerable net increase to the non-attainment pollutant PM₁₀. The proposed project will therefore not violate any air quality standard or contribute substantially to an existing or projected air quality standard.

COMMENT 39-7

Section: Air quality pg.18

Describe the impact of these pollutants to the sensitive and endangered species of the Baylands. What's described and what community smell are different. Many residents complained of odors.

RESPONSE 39-7

The proposed project is limited to closure activities which include decontamination and disposal of above ground equipment and structures at a paved site. Decontamination will be done at the site within secondary containment areas and disassembly of equipment and structures will be done using Best Management Practices including dust and vapor suppression. Although impacts to sensitive non-human species from industrial odors are not measured in the CEQA process, analysis of air quality impacts from criteria pollutants focuses on risks to the most sensitive groups in the human population, termed, "sensitive receptors." Measures have been incorporated into the project that are adequately protective of sensitive receptors and the project therefore will result in a less than significant impact from airborne pollutants.

Presence of a chemical at concentrations above the odor threshold for the period of time that it takes to inhale would result in a perceived odor. Thus emissions could pose an odor nuisance to individuals in the vicinity of the facility. However, Romic has been shutdown since May 2007 and eliminated all inventory in October 2007. Decontamination of equipment will begin with vacuuming of the equipment to capture vapors using activated carbon filters and light misting before high pressure washing. Although dissolution of caked residue when washed with water or surfactant may result in odors for a short duration at the site, the proposed project does not have the potential to expose the public offsite, to objectionable odors for lengthy periods of time.

3.40 MS. SHANTAL MEDRANO

Hi my name Shantal Medrano, 1973 Tate Street, Apt.F-207 East Palo Alto 94303. I read the CEQA document, the following are my comments:

COMMENT 40-1

Section: recreation pg 61 paragraph 3. This section mentions hikers and bird watchers use the levee for recreational claims "less than significant impact", explain this.

RESPONSE 40-1

The proposed project will occur within the existing Facility boundary. The Facility is fenced, and concrete, asphalt, gravel or buildings cover most of the Site. The proposed closure activities include decontamination and disassembly of above ground equipment and structures at the site. Decontamination will be done at the site within secondary containment areas and disassembly of equipment and structures will be done using Best Management Practices including dust and vapor suppression.

Potential effects of the proposed project activities will not extend beyond project site, and will neither affect access to nor use of the adjacent levee or bike path. The proposed project will therefore not affect nearby recreational land uses.

COMMENT 40-2

Section: transportation and traffic - breakdown weekly truck trips to daily truck trips and specific during which hours trucks are moving

RESPONSE 40-2

The proposed project is expected to involve transportation activities that are associated with short-term deconstruction related-activities during peak traffic hours. Initial Study presumes that approximately 6 to 8 trucks per week will be used in transport of the decontaminated equipment and waste water offsite. Please refer to Transportation and Traffic section on page 62 of the Initial Study.

The closure activities associated with a long list of equipment and structures combined with four different disposal options, disallows laying out an exact schedule for daily truck trips. Presumably, several teams will be working on more than one piece of equipment at any given time. However, Romic has presented a self-imposed traffic restriction in response to a request from the community - project-related truck traffic will not be scheduled between the hours of 7:00 and 9:00 a.m. or between the hours of 2:00 and 4:00 p.m.

3.41 CITY MANAGER, CITY OF EAST PALO ALTO, MR. ALVIN D. JAMES

COMMENT 41-1

Letter dated June 3, 2008 stated that "We know that East Palo Alto community members have been involved in the closure plan process. We have attached concerned citizens' materials, and public official's letters of support for the project."

RESPONSE 41-1

Comment noted. DTSC also looks forward to continued communications with the City of East Palo Alto.

3.42 COUNTY OF SAN MATEO, SUPERVISOR ROSE JACOBS GIBSON

COMMENT 42-1

Letter dated June 3, 2008 stated that " I encourage you to continue to respond to the East Palo Alto community while formulating the Closure Plan, particularly members of the Youth united for Community Action who have raised important questions and concerns regarding the Clean Up."

RESPONSE 42-1

Comment noted. DTSC agrees with the recommendation that we continue to have good

communication with the community.

3.43 S.S. PAPADOPULOS & ASSOCIATES, INC., MR. MICHAEL T. RAFFERTY

COMMENT 43-1

Letter dated June 11, 2008 written on behalf of StarLink Logistic Inc. (SLLI), stated that “the closure Plan fails to address unresolved issues from Romic’s 2006 release of listed waste from a tanker truck, which impacted the SLLI property.”

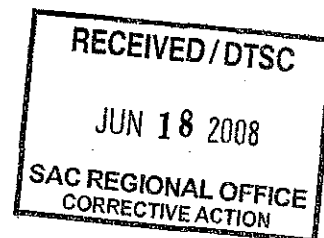
RESPONSE 43-1

The 2006 Tanker truck release is beyond the scope of the Closure Plan. U.S. EPA's Emergency Response Program (ERP) coordinates all of the activities to ensure that adequate and timely response measures are taken in communities affected by hazardous substances releases. DTSC understands that the site remediation was completed and the ERP coordinator is satisfied with the response. Please contact the U.S. EPA ERP coordinator with any additional concerns.

Attachments



City of East Palo Alto
Office of the City Manager
City Hall - 2nd Floor
2415 University Avenue
East Palo Alto, CA 94303-1164
650.853.3100 Fax 650.853.3115



June 3, 2008

Ms. Maureen F. Gorsen, Director
Department of Toxic Substances Control
P.O. Box 806
Sacramento, CA 95814

Subject: DTSC Romic Cleanup Project Implementation

Dear Ms. Gorsen:

We send this correspondence regarding your implementation and the US Environmental Protection Agency's (USEPA) role in the Romic Cleanup. The City thanks you for your participation and is confident that the project plans as presented to Council, staff and the public by the Department of Toxic Substance Control (DTSC) will be carried out as scheduled by both agencies.

We are aware and appreciate the ongoing DTSC meetings with USEPA support, that keep Council, City Staff and all concerned Citizens updated (and included) as to the progress and schedule of the cleanup plans since closure have and are taking place. We look forward to continued communications with you, and again thank you for your participation in the effort to provide a safe environment for our city residents. We have attached concerned citizens materials, and public officials letters of support for the clean up project. Should you have questions, please don't hesitate to contact us at 650.853.3100.

Sincerely,

// original signed by //

Alvin D. James
City Manager

cc: DTSC: Mohinder Sandhu, Sue Patel
USEPA:

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October 25, 2007

Maureen F. Gorsen, Director
Department of Toxic Substances Control
P.O. Box 806
Sacramento, CA 95814

Dear Ms. Gorsen:

I am aware that the Department of Toxic Substances Control has signed a Stipulation and Order requiring Romic Environmental Technologies Corp. to completely close its East Palo Alto hazardous waste storage and treatment facility in accordance with a DTSC approved closure plan.

I understand that there continues to be concern in the community regarding the details and deadlines that apply in both finalizing the closure plan and completing the closure and clean-up. I urge you to be clear in communicating to the community the specific timeline that DTSC will hold itself to in these matters. I further urge you to move forward in a timely manner, which ensures full participation by the community in the process.

Sincerely,

// original signed by //

S. Joseph Simitian
State Senator, 11th District

CC: Nathan Schumacher, DTSC
Chris Stampolis, Romic
Keisha Evans, Ujima Security Council

<p>plan addresses the actual facility operational conditions and circumstances concurrent with present regulatory, environmental and economic conditions, and community concerns.</p> <p>In light of the recent decision to prematurely terminate operations in East Palo Alto, a number of additions and modifications not found in the original plan have been introduced to this revised closure plan.</p> <p>Closure Plan Goals</p> <ol style="list-style-type: none"> 1. To close the East Palo Alto Facility in strict adherence with current state and federal environmental and health and safety requirements. 2. To close the facility in such a manner as to leave the property in a condition similar or environmentally better condition than before Romic's occupancy and to assure the safest environment for the community and allow for maximum economic opportunity. 	<p>community on the concerns?</p> <p>7-What community concerns?</p> <p>8-Who in the community did Romic talk to?</p> <p>9-What are the additions and changes from the old closure plan?</p> <p>10-Who will monitor the closure plan?</p> <p>11-Shouldn't Romic leave the property in a condition that is equivalent to what existed before any recycling activities were present on the site?</p> <p>12-What does "environmentally better condition" mean?</p> <p>13-What does economic opportunity mean?</p> <p>14-Does property mean the land?</p> <p>15-Than before Romic's occupancy -- is it just as bad or as worse because Romic is already contaminated before Romic.</p>	
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	<p>established work areas during closure.</p> <p>The ROMIC health and safety plan will also heavily emphasize specific prevention measures as well as detailed contingency measures that would be implemented in the unlikely event of a release or spill.</p> <p>ROMIC has found that working in an open and cooperative manner with regulatory oversight takes advantage of real time technical and regulatory expertise, solutions, suggestions and insight to important issues, and enables a clear path to completing required actions in the most time and cost effective manner.</p>	<p>there is no existing research on a lot of these chemicals?</p> <p>7-What are these contingency measures in response to spills and releases? They didn't apply them to Froilan so what makes DTSC think Romic will do it now?</p> <p>8-What does Romic think are these important issues?</p>	
C	<p>No matter how well the Closure Plan is written it is only as good as the employment and utilization of competent management, labor, contractors, and any disposal, recycling, salvage or material vendors and suppliers.</p> <p>The second purpose of this objective is to reduce the volume of contaminated materials which would otherwise go to landfill or incineration.</p> <p>Using the "beneficial use" objective as a guide, this plan will incorporate three</p>	<p>1-How would Romic actually do this? 2-Why send it to a landfill when the first closure plan doesn't say this?</p> <p>3-Who determines "beneficial use"? Not the community!</p>	<p>Sounds like they're putting it off on the workers – saying not our fault because it depends on the workers, not how good the closure plan is</p>

<p>distance of 1/4 mile away.</p> <p>Odors might also be generated from metal cutting, or certain wastewater treatment tank cleaning.</p> <p>Although any odors generated during such activities would not be considered an exposure hazard, unfamiliar odors may cause concern.</p> <p>Mitigation of Community impacts Because Romic is aware of the many schools in the area it has been determined that hazardous waste shipments will not be scheduled between 7:00am and 9:00am or between 3:00pm and 4:00pm in order to allow children uninterrupted access to and from school.</p>	<p>3-Is Romic going to put up notices? How will residents in particular be notified? Who can residents/ business people call if Romic breaks this?</p> <p>4-How long would these noises last? 2 hours of consistent noise? Not specific enough</p> <p>5-Can there be a noise-time restriction like in airports next to residential areas?</p> <p>6-Not all chemicals have odors. How will Romic account for that?</p> <p>7-The concern isn't just the odors but the airborne contamination. In the USEPA plan, chemicals released are an exposure hazard. How is Romic going to account for that? What are the health risks from the chemicals that produce these odors or just plain used in this process?</p> <p>8-Who are the potential receptors that they evaluated? Residents?</p> <p>9-What about the residents in general – such as elders who go on walks?</p>	<p>Related to schoolchildren: Our high school students are bussed to other communities and the first bus leaves at 6:45. Therefore there are many children going to the bus stop at 6:30. Also the Grades 2-3 children get out of school at 2:30. Therefore the times should be changed.</p>
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	<p>The plan calls for odor control methods during such activities to include limiting work when prevailing winds are too strong or water suppression during certain cleaning operations.</p> <p>ROMIC intends to work cooperatively with the Department of Toxic Substances Control and the community business leaders to address and mitigate, to all reasonable extent possible, noise and odors generated from closure activities.</p>	<p>16-What does "too strong" mean?</p> <p>17-Why not community members?</p> <p>18-When is Romic leaving?</p>	
E	<p>7. Remediation of Contaminated Soils and Groundwater</p> <p>...It is historically accepted that the contaminants of concern described in the Statement of Basis were introduced into the environment prior to Romic's permitted Part B operation obtained in 1980. To prevent duplication of ongoing remediation efforts by EPA and ROMIC, soil sampling conducted under facility closure shall focus on suspected subsurface contamination resulting from possible spills or releases occurring during the life of Romic's Part B permit.</p> <p>The closure plan incorporates a detailed and comprehensive sampling plan (SAP) that will explain exactly what and how sampling and testing will be conducted to determine the presence of hazardous</p>	<p>1-Will USEPA and DTSC cooperate and coordinate the investigation of subsurface contamination so that borings and samples can be procured in a non-duplicative and timely fashion?</p> <p>2-Would this not ultimately facilitate a more expeditious total remediation of the site, including soil and groundwater contamination?</p> <p>3-Who's doing the testing?</p> <p>4-What about BEFORE Romic was there? Aren't they supposed to clean that up?</p> <p>5-But Romic already knows there's contamination - why "if encountered"?</p> <p>6-If they know it's contaminated, why don't they remove the buildings</p>	

		<p>never handled hazardous waste?</p> <p>What are the airborne emissions from the other tanks?</p>	
16	<p>4.3 Current Inventory of Wastes</p> <p>As of October 13, 2007, the facility had eliminated the inventory of all the waste it had received from off-site sources.</p>	<p>1-Why is this statement in contradiction to statements on section 4.5:</p> <p><i>During closure activities, Romic may treat hazardous wastes onsite in appropriately authorized waste management units. This will include the inventory of received waste remaining at the time of closure implementation...</i></p> <p>and two paragraphs below,</p> <p><i>However, Romic may decide to use permitted units at the time of closure to treat the maximum amount of off-site received waste...?</i></p> <p>2-Is there still inventoried hazardous waste awaiting treatment?</p> <p>Page 16 4.3 states in its entirety: "As of October 13, 2007, the facility had eliminated the inventory of all the waste it had received from off-site sources." However in 4.5 paragraph 2 it states: "During closure activities, Romic may treat hazardous wastes onsite in appropriately authorized</p>	

			heavy metals at both designated grid locations inside secondary containment areas and bias locations outside containment areas where visual screening or discoloration of concrete surfaces are EVIDENT and/or lowest gradient where liquids could pool or accumulate."
24	<p>Table 3 Porous Concrete for Reuse</p> <p>Heavy metals not to exceed 20 times regulatory limit</p>	<p>1-Will this concrete be reused on site as crushed base rock?</p> <p>2-Will it be used as course aggregate to batch additional concrete?</p> <p>3-Why is "20 times regulatory levels" used as a limit? Isn't this alarmingly high if human contact occurs with the recycled material?</p> <p>4-Is the DTSC standard for corrosivity 'a surface pH greater than 5.0 and less than 9'?</p>	
25	Decontamination Tracking –	1-What is the planned procedure for items that REPEATEDLY fail the decontamination process testing?	
28	<p>5.2.11. Decontamination Sequencing</p> <p>6. Structures/Buildings</p> <p>Structures will either be disassembled or demolished in place with demolition material taken directly off site for salvage or to a non hazardous waste landfill.</p>	<p>1-Will all structures on site be demolished by completion of closure?</p> <p>2-If not, could the plan show a definitive list of structures that will be removed during the closure process overseen by DTSC?</p>	

	taken during unit closure will be compared to the soil clean up performance standards listed in the SAP on table 1.	conveyed to USEPA? 4-Will DTSC have the authority, and will it request that deeper samples be taken where contamination is found at a 6 foot depth?	determine what is present.
34	5.5 Closure Certification Report 5. Sampling Data and Analyses (i.e., sampling locations, soil boring logs, chain of custody, analytical results, etc.)	1-Could this report break out soils and ground water testing data in a separate section?	
34	5.6 Closure Implementation Schedule Romic will notify DTSC in writing at least 45 days prior to the date final closure is expected to begin, and at least 7 days prior to any closure sampling.	1-What is meant by "final closure"? 2-We thought the facility was already closed?	
35	Table 6--Closure Schedule Inventory Elimination --12 weeks	1-Hasn't all inventory already been eliminated? 2-Why is this activity in the schedule?	
36	6.3 Cost Factors The unit costs for all closure activities are based on the cost of hiring a third party to close the facility. ...However, it is intended that trained site personnel will be used to conduct closure activities to the greatest extent possible in order to maintain <u>continuity of facility operation</u> . <i>Emphasis added</i>	1-Why is this "facility operation" language continually present throughout the document? 2-Isn't it true that there no "trained site personnel" remain at Romic because they have all been terminated? 3-Will DTSC verify Romic's cost	

	<p>3. ...Therefore investigative sampling will include heavy metals at six inches in depth from the base of the concrete pad at each subsurface sampling point. If found at this level additional testing from metals will be performed on samples collected at 3 feet beneath the base of the pad to a maximum depth of 6 feet below the based on the secondary containment pads.</p> <p>Investigative sampling locations will be limited to areas underneath specific demolished structures as well as waste process and storage containment areas where the greatest likelihood of soil contamination from where past spills or releases might have occurred.</p> <p>Romic did not receive or process PCBs, reactive wastes or any type of organophosphate pesticides and accordingly no sampling for organophosphate will be conducted.</p>	<p>and 6 feet specified?</p> <p>2-Has there been any consultation with USEPA on this issue of drilling depth?</p> <p>3-As for the sampling locations: a-When will we know what structures will be demolished and what will be concrete tested? b-What, if any, coordination will occur with USEPA regarding designation of structures to be demolished and where to test?</p> <p>4-What is the exposure for the workers and the community if there were such wastes dumped there BEFORE Romic's tenancy and now the remediation plan ignores the possibility that they may be there and still very lethal?</p>	
5	<p>3.3.2 Confirmatory Sampling</p> <p>...If this action is required and once the soil has been removed, confirmatory sampling will be conducted to determine if there is still a presence of</p>	<p>1-When will this confirmatory sample information be conveyed to USEPA and the community?</p> <p>2-Will interested community advo-</p>	

	sampling grids falling within each containment structure as shown in Figure 1 found on the next page.	3-Again, is this not something that should be discussed with USEPA?	
9	4.5 Investigative Samples The SAP establishes each investigation sampling location to be representative of soil conditions within a 30 x 30 foot square grid area and a minimum of one foot below the deepest sampling point. Three soil samples will be collected from underneath the same concrete chip sampling locations centered at the intersection of each X and Y axis of 30 x 30 foot square sampling grids falling within each containment structure shown in Fig. 1. Samples for analysis will be taken at depths of 6 inches, 3 feet, & 6 feet.	1-Will there be any coordination with USEPA on the review and approval of this sampling protocol? 2-Is this protocol based on an industry standard for investigation and testing or are these parameters arbitrarily developed by Romic?	
10	5. Testing Parameters Testing parameters for determining the presence of contamination on or in various media throughout the site have been selected based on; 1. Knowledge of Romic's hazardous waste processing Table 2 --Testing Parameters #5 – Testing Parameters – Possible contamination prior to Romic's tenancy has been omitted.	1-Why not use the historical data related to past processing and storage uses on the site to help determine where testing will occur? 2-Do detection limits in Table 2 conform with USEPA's limits? 3- Does this leave a possible exposure for workers and the community if there are contaminants present that were left from prior operators?	

		tered (inevitable, based on high water table for the area) to determine if additional testing should be performed?	
18	8.6.1 Logbooks Logbooks will document where, when, how, and from whom any vital program information was obtained. Logbook entries will be complete and accurate enough to permit reconstruction of field activities.	1-Will these log books be digitized so that they may be available online? 2-Could this information be entered in the field on computer laptops instead of paper log books?	
21	11.2 Allowances for Duplicate and Split Samples State & federal regulatory agencies will have full access to sampling schemes, schedules, and locations for purposes of duplicate sampling collection for testing during normal hours of work....	1-Will the City of East Palo Alto and community advocate organizations have access to this information also?	
24	13.3 Reports to Management Reports to the Closure Project Manager will include the program progress, a summary of key performance indicators, a summary of the nonconformance and corrective actions, surveillance and audit findings, and data validation reports. Each report, as appropriate, will include a section that provides an overall assessment of the sampling and laboratory programs.	1-Will these reports be made available to DTSC and USEPA as they become available? 2-Will the City of EPA and community advocate organizations have access to this information also as it becomes available?	

Other Questions:

1. Romic's Part B Permit Application is referred to in several places in the document (Closure plan objectives, SAP etc). Is the date of Romic's Part B Permit Application September 20, 1989? If not, what is the date?



CITY OF EAST PALO ALTO

City Manager's Office
Economic Development Division
1960 Tate St. • East Palo Alto, CA 94303

October 26, 2007

Ronald Leach, Project Manager (WST-5)
US Environmental Protection Agency
75 Hawthorne St.
San Francisco, CA 94105
(415) 972-3362
(415) 947-3530
leach.ronald@epa.gov

Dear Mr. Leach:

The City of East Palo Alto is eager to facilitate the remediation of the Romic site so that we can protect the environment and our residents and pursue higher and better uses on the Romic site and throughout the Ravenswood. We would like the remediation of the Romic site to occur as quickly as possible. Our comments are intended to facilitate the process so that we can advance our economic development, environmental sustainability, and quality of life objectives.

I am forwarding the comments and questions from City of East Palo Alto staff regarding the Statement of Basis for Proposed Soil and Groundwater Remedy for the Romic Environmental Technologies Corporation in East Palo Alto, California. There are two components of our comments. The first is organized by theme, and the second is organized by page number.

Do not hesitate to contact Brad Tarr, Planning Manager (650)853-3137 if you have questions.

Sincerely,

// original signed by //

Alvin James ✓
City Manager

Timeframe (Page 28, 10.2; page 39; page 40, 5th Bullet.)

Is it possible to shorten the timeframe? How can the timeframe be expedited? Is it through increasing the number of wells or the soil excavated? Why does the plan have a 7 year remediation goal (page 28) and monitoring reports for only 5 years (pages 1, 4, 8, 34, and 35)? Also, what is the 15 year system maintenance and operation mentioned on page 39?

Potential Residential Uses (Page 6, 1st Bullet; Page 19, 2nd Paragraph; Page 34.)

Are there any conditions under which residential uses would be feasible? What about high density residential uses over a concrete parking podium? If there are conditions under which residential may be allowed, please limit institutional control restrictions accordingly to provide the City the greatest reuse flexibility.

Chronological Comments

Page 1, 4th paragraph. The Plan says that the Romic site is a 14 acre site. Our records indicate that the Romic site, not including the "buffer" land along Bay Road, is equal to approximately 12.6 acres. Including the buffer area, the Romic site is a 17 acre site.

Page 2, 4th paragraph. How much residual contamination will remain in the soil and ground water? Please explain the standard and/or the threshold that will be used to determine that further treatment is not needed or that residual contamination is safe.

Page 5, 3rd paragraph. Please be more specific at which point active remediation will cease and the standard and/or the threshold that will be used to determine that it is safe.

Page 7. Would the prohibition on day care include a day care center located within a high density office project?

Page 8. Soil Excavation. Please explain how this figure was reached and identify the proposed sites for excavation.

Page 12, Figure 2. It would be helpful to combine this map with the VOCs in Figure 5 and the locations of the monitoring wells in Figure 6.

Page 19, last paragraph. The potential for recreational exposure will greatly increase as the Bay Trail is completed and as Cooley Landing is developed. See comment above regarding Cooley Landing.



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CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY
Department of Toxic Substances Control
NEWS RELEASE

10-08

Arnold Schwarzenegger, Governor

Maureen Gorsen, Director

FOR IMMEDIATE RELEASE

Contact: Susie Wong
(916) 324-2997

May 30, 2007

**CALIFORNIA DEPARTMENT OF TOXIC SUBSTANCES CONTROL
TAKES ENFORCEMENT ACTION AGAINST
ROMIC ENVIRONMENTAL TECHNOLOGIES OF EAST PALO ALTO**
Order Shuts Down Hazardous Waste Treatment Operations

SACRAMENTO, Calif. – The California Department of Toxic Substances Control (DTSC) today announced it has issued an enforcement order to Romic Environmental Technologies Corp. of East Palo Alto. The order charges Romic with such state violations as unsafe operations that resulted in a June 2006 release and reckless disregard for the risk of serious injury to an employee in March 2006. The order further alleges that Romic violated a civil judgment brought by DTSC and filed in April 2005.

The order prohibits Romic from handling, treating and storing hazardous bulk liquid waste in containers greater than 85 gallons. In addition, the company is prohibited from storing bulk liquid waste in tanks.

The order was issued as part of DTSC's ongoing investigations of Romic and includes violations where two employees were seriously burned in June 2004 and March 2006, in addition to a 4,000 gallon chemical release of solvents at the facility in June 2006.

"Our department has found that specific areas of Romic's operations pose an unacceptable risk to public health and the environment," said DTSC Director Maureen Gorsen. "Therefore, we are prohibiting Romic from handling, treating and storing hazardous bulk liquid waste."

Prior to this action, an order was issued to Romic on June 15, 2006 that prohibited fuel blending of any hazardous waste received from off-site in containers or tanker trucks at Romic's East Palo Alto facility until DTSC completed its investigation of a chemical release earlier that month, on June 5. In this instance, 4,000 gallons of used mixed solvent began reacting inside the tanker truck and resulted in the release of a fine mist that settled over an empty lot owned by Romic, portions of Bay Road, and adjacent parcels that included a PG&E substation and wetlands area south of Cooley Landing. The tanker truck's contents contained volatile and semi-volatile organic compounds including hydroxylamine, monoethanolamine, toluene, and acetonitrile. In addition, DTSC settled an enforcement case in April 2005 against Romic for \$849,500 for hazardous waste violations occurring at the facility from 1999 to 2004, one the largest settlements DTSC has reached with a Bay Area company.

-more-

**CALIFORNIA DEPARTMENT OF TOXIC SUBSTANCES CONTROL
ENFORCEMENT ORDER ISSUED TO
ROMIC ENVIRONMENTAL TECHNOLOGIES
EAST PALO ALTO
MAY 30, 2007**

FACT SHEET

The order cites Romic Environmental Technologies for violations of state hazardous waste laws and details multiple violations of the statutes, including:

- Disregarding the risk of fire explosion or injury by failing to ensure that management of fuel blended hydroxylamine waste streams would not produce the accidental chemical release that occurred on June 5, 2006 when Romic placed incompatible wastes/materials in the same container and tank. In addition, the Department of Toxic Substances Control (DTSC) cited Romic for conducting treatment of the wastes in an unauthorized tanker trailer where approximately 3,400 gallons of hydroxylamine acetronitrile waste was added to 1,000 gallons of biosludge. The company was also cited for failing to conduct compatibility testing before the hazardous waste was combined in the tank.
- Failing to maintain or operate its facility to minimize the possibility of any unplanned sudden releases of hazardous waste that could threaten human health, in that Romic failed to drain the Thin Film Unit prior to starting maintenance of the unit, resulting in severe burns to an employee on May 20, 2004.
- Disregarding the risk of fire, explosion or serious injury, by failing to comply with hazardous waste requirements that ensure that a hazardous waste storage tank had been completely emptied, purge and isolated, and that no flammable vapors were present prior to a Romic employee performing cutting operations on March 2, 2006. As a result, an employee was severely burned when vapors inside the tank ignited. In addition, Romic was cited in connection with the company's Emergency Coordinator failing to adequately and appropriately arrange for care of the injured employee when the Emergency Coordinator did not call 911, but instead drove the employee to the hospital.
- Failing to notify DTSC of the burn incidents within the appropriate timeframes.
- Failing to notify DTSC of planned changes that would affect hazardous waste permitted units and failing to apply for and receive permit modifications approval prior to changes in tanks 103 and 104.
- Failing to receive a permit modification from DTSC prior to the installation of knife valves above the sight glass on Thin Film Evaporators #1, #2, and #3.
- Exceeding the maximum capacity for storing hazardous waste in certain tanks.
- Storing hazardous waste in excess of time limits in sampling area.
- Improperly storing various hazardous waste types in sampling area.
- Failing to conduct equipment inspections of vehicles used for transferring hazardous waste within to various areas within the facility.
- Failing to properly manage a leaking container.
- Storing in unauthorized containers in unauthorized areas.
- Failing to keep accurate operating records.

Versión en Español Incluida



FIRST-CLASS MAIL
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United States Environmental Protection
Agency, Region 9
75 Hawthorne Street (SFD-3)
San Francisco, CA 94105
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Inside...

Fact Sheet: Romic Expands Treatment of Contaminated Groundwater

Romic has significantly expanded the biological treatment of solvent-contaminated groundwater beneath its facility. The biological treatment consists of injecting cheese whey and molasses underground to help break down solvents in the groundwater.

Versión en Español Incluida

Contact Information

Call the toll-free message line at 800-231-3075, or contact

■ Ron Leach

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75 Hawthorne St (WST-5)
San Francisco, CA 94105
415-972-3362
leach.ronald@epa.gov

■ José García

USEPA
Community Involvement Coordinator
75 Hawthorne St. (SFD-3)
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415-972-3331
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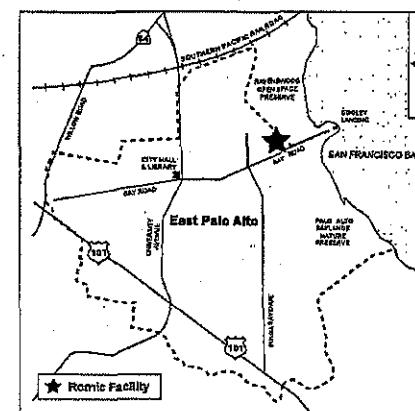
Romic Expands Treatment of Contaminated Groundwater

September 2006



The purpose of this fact sheet is to update the community about current groundwater treatment activities at Romic Environmental Technologies Corporation (Romic) in East Palo Alto, California. Romic has significantly expanded the biological treatment of solvent-contaminated groundwater beneath its facility. The biological treatment consists of injecting cheese whey and molasses underground to help break down solvents in the groundwater. Since 2001, Romic has doubled the number of biological treatment points. The U.S. Environmental Protection Agency (US EPA) is providing the oversight for this work.

US EPA believes that there is sufficient information about the extent of contamination and effectiveness of the biological treatment system to begin the process of proposing and selecting a final remedy. A key part of the process includes getting input from the community by meeting with interested members of the public.



Romic Site Location, East Palo Alto

Romic is using cheese whey and molasses to enhance a natural biological process to treat the solvent-contaminated groundwater beneath the facility. This type of approach is called *enhanced biological treatment*. This treatment approach is being used successfully at different facilities throughout the Bay Area and has been used in test studies at Romic since 2001. For more information about how the biological treatment process works, see the sidebar entitled, "How the Enhanced Biological Treatment Works," on page 3 of this fact sheet.

What is a solvent?

Solvents are liquids used to dissolve or remove other substances. For example, solvents can remove grease from metal parts. Typical solvents include chemicals like trichloroethylene (TCE) and tetrachloroethylene (PCE).

What is cheese whey?

Cheese whey is the watery part of milk that is separated from the curd in the process of making cheese.



August 13, 2007

Mr. David E. Woods
Mayor of East Palo Alto
2415 University Ave., 2nd floor
East Palo Alto, CA 94303

RE: Announcement of U.S. Environmental Protection Agency (U.S. EPA) Request for Public Comment on Romco East Palo Alto Facility Proposed Cleanup Remedy & Public Meeting.

Dear Mayor Woods,

Enclosed is an advance version of the fact sheet requesting public comment on the Proposed Cleanup Remedy at Romco East Palo Alto Facility and subsequent Public Meeting. The fact sheet will be sent to the East Palo Alto community in early September and the public meeting will occur on Wednesday, October 10, 2007 at City Hall.

U.S. EPA would like to briefly present the proposed cleanup plan at the City Council meeting on Tuesday, September 18th. My staff will be contacting Deputy City Clerk Minette Warren to request that this item be put on the City Council agenda as a Special Presentation. Should you have any questions or comments, please feel free to contact Ron Leach, Project Manager at 415-972-3362, leach.ronald@epa.gov or Lauren Berkman, Community Involvement Coordinator at 415-972-3292, berkman.lauren@epa.gov.

Sincerely,

Nancy Lindsay
Director
Waste Division
U.S. EPA
Region IX

cc: Alvin James, City Manager

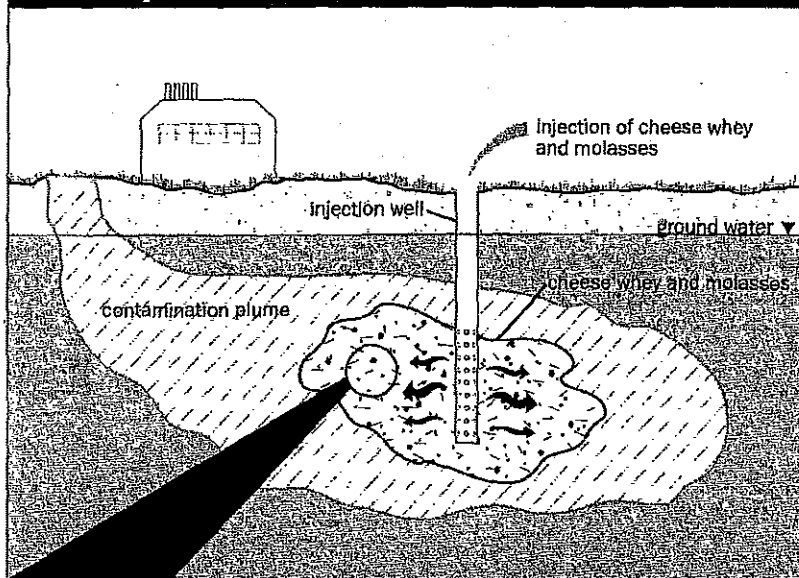
Enhanced Biological Treatment

U.S. EPA proposes enhanced biological treatment as the preferred remedial technology to address soil and ground water contamination at the Romic facility. Enhanced biological treatment uses cheese whey and molasses as a food source for natural microbes that live in the soil and ground water below the Romic facility. These microbes break down the contaminants into carbon dioxide, water and salt. Tests of this technology at the Romic facility have shown as much as a 99% decrease in the amount of contamination.

How the Enhanced Biological Treatment Works

The biological approach is designed to destroy solvents in place by using natural processes. Cheese whey and molasses are injected into the groundwater contaminated with solvents. The cheese whey and molasses act as food for the natural microbes that live in the soil. These microbes are helpful and pose no threat to people at the facility or in the community. When food is added for these microbes, their population grows and they consume not just the cheese whey and molasses, but also the solvents in the ground water beneath Romic. The microbes break down the solvents, cheese whey, and molasses into carbon dioxide and water, similar to the way a septic system treats sewage from a home. Enhanced biological treatment processes have successfully cleaned many polluted sites and are being used at more than 50 hazardous waste sites across the country. Enhanced biological treatment is also safe because it relies on non-harmful microbes that occur naturally in soil.

How an Injection Point Works



How Microbes Break Down The Solvents



microbe

As microbes eat the cheese whey and molasses, they also encounter the solvent.

solvent



Microbes digest the solvent, breaking it down into water and carbon dioxide.



Microbes release water and carbon dioxide into soil and ground water.

What is a solvent?

Solvents are liquids used to dissolve or remove other substances. For example, solvents can remove grease from metal parts. Typical solvents include chemicals like trichloroethylene (TCE) and tetrachloroethylene (PCE).

What is cheese whey?

Cheese whey is the watery part of milk that is separated from the curd in the process of making cheese.



Ground Water and Soil Investigation and Remediation

The proposed approach to cleaning up contamination at the Romic facility uses enhanced biological treatment, monitored natural attenuation, excavation and removal of contaminated soils and maintenance of the existing site cover.

Romic is currently using biological treatment to clean up contaminated soil and ground water at several locations throughout the site as part of a U.S. EPA approved interim remedial measure. The biological treatment will be expanded as part of the proposed remedy.

Although the Romic facility has been extensively investigated, contaminated areas below existing buildings and operational areas have not been fully evaluated. Romic will investigate the extent of contamination below the existing buildings, tanks and structures after they are demolished during closure of the Romic facility. These previously-inaccessible areas will then be cleaned up by biological treatment and/or excavation.

Monitoring and Reporting to Evaluate Remedy Effectiveness

Romic will monitor ground water and surface water to assess site conditions and the effectiveness of the selected remedy. Additionally, Romic will provide progress reports several times per year and comprehensive evaluation reports every five years to update the community and the regulatory agencies on the status of the investigation and remediation activities.

Financial Assurance

Financial assurance is necessary for construction, operation, monitoring and maintenance of the selected remedy. Financial assurance means that Romic has set aside money (e.g., bonds, insurance, etc.) to ensure that the required work will be completed. In June 2007, Romic established a \$1.5 million surety bond as the financial assurance mechanism for corrective action at the Facility. The funding level will be adjusted to reflect the cost estimate for the selected remedy.



U.S. EPA Project Manager Ron Leach collecting a ground water sample.

Land Use Restrictions

The proposed remedy requires that certain restrictions be imposed on future land use activities. Even with the demonstrated success of the proposed remedial technology, U.S. EPA is proposing that the Facility property use be restricted to commercial and industrial purposes. Property redevelopment is prohibited until a project-specific risk management plan is developed and approved. The risk management plan ensures that potential impacts from site-related contamination are managed in a manner that is protective of human health and the environment.

Summary of Remedial Alternatives

In developing the proposed remedy, U.S. EPA considered and evaluated the following three remedial alternatives. The remedial alternatives were developed by Romic under U.S. EPA oversight. U.S. EPA's evaluation of the remedy alternatives is documented in the Statement of Basis.

Alternative 1: No Further Action

Alternative 2: Hydraulic Containment

Alternative 3: Enhanced Biological Treatment

Alternative 1: No Further Action

Alternative 1 includes no further monitoring or remediation. This alternative has been included as a baseline for comparison only.

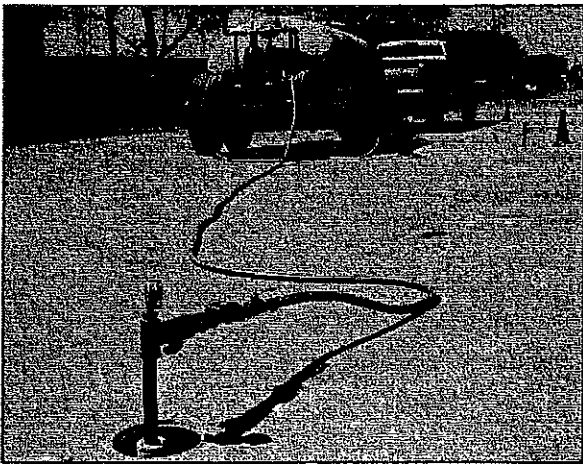
Alternative 2: Hydraulic Containment

Alternative 2 uses ground water extraction and treatment ("pump and treat") as the primary remedial technology. Using this technology, contaminated ground water would be pumped out of the ground and treated to remove contaminants. The ground water extraction wells would contain the contamination on-site but would not remediate the source of the contamination, so highly contaminated soil and ground water would remain at the Facility. Alternative 2 is anticipated to cost \$3.5 million dollars.

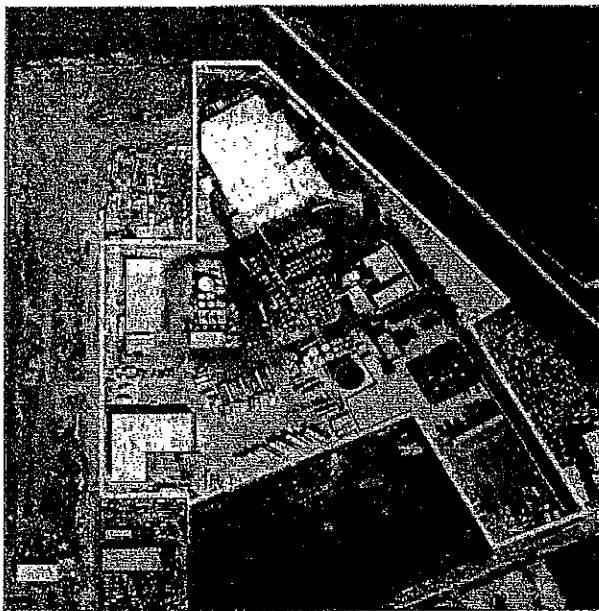
Alternative 3: Enhanced Biological Treatment (U.S. EPA's Preferred Alternative)

Alternative 3 uses enhanced biological treatment as the primary remedial technology. Enhanced biological treatment is a technology which can effectively contain the contamination on-site and also remediate contamination source areas. Alternative 3 is anticipated to cost \$2.5 million dollars.

Alternatives 2 and 3 both include ground water and soil investigation, excavation and removal of some contaminated source area soils, monitoring and reporting to evaluate remedy effectiveness, financial assurance and land use restrictions.



Grease whey and molasses injection at Romik



1997 Aerial Photograph of Romik

Evaluation of Remedial Alternatives

U.S. EPA used a two-step process to evaluate potential remedial alternatives. First, each alternative was compared to five remedy performance standards (see Evaluation Criteria on page 6). If one or more of the remedial alternatives appeared capable of achieving the remedy performance standards, those alternatives were evaluated against the seven balancing/evaluation criteria to identify the preferred alternative. After evaluating the remedial alternatives, U.S. EPA determined that the proposed remedy (Alternative 3, Enhanced Biological Treatment) best meets the remedy performance standards and balancing/evaluation criteria due to its effectiveness at both containing and remediating the contaminated soil and ground water.

Proposed Remedy is Protective of Human Health and the Environment

U.S. EPA has concluded, based on all the information available to date and an evaluation of the remedial alternatives, that the proposed remedy is protective of human health and the environment. The proposed remedy has the best chance of attaining the cleanup objectives, remediating source areas and limiting off-site migration of volatile organic compounds.

Community Participation

U.S. EPA welcomes community input on the proposed remedy. U.S. EPA has established a 45-day public comment period that begins on September 17 and ends on November 1, 2007.

Interested parties can submit written comments to U.S. EPA during the public comment period via mail, email or in person at the public meeting and hearing on the proposed remedy. The public meeting and hearing will be held on Wednesday, October 10, 2007 from 6:00 to 9:00 pm at the East Palo Alto City Hall, which is located at 2415 University Avenue (First Floor - City Council Chambers and Community Room). Spanish translation will be available at the meeting and hearing.

Written comments should be postmarked on or before November 1, 2007 and sent to:

Ronald Leach, Project Manager (WST-5)
U.S. Environmental Protection Agency
75 Hawthorne Street
San Francisco, CA 94105
(415) 972-3362

Comments may also be faxed to (415) 947-3530 or sent via electronic mail to leach.ronald@epa.gov

U.S. EPA will consider the public comments received in making the remedy decision for the Facility.

In selecting the final remedy, U.S. EPA may modify the proposed remedy based on relevant public comments, new information or further U.S. EPA deliberation. U.S. EPA will respond to all the relevant comments it receives on the proposed remedy. Anyone who comments on the proposal will receive notice of the final remedy decision.

Want to Know More?

All of the documents, correspondence, data and other information U.S. EPA considered in proposing the remedy for the Romic facility are included in the Administrative Record for the Facility. Copies of key documents used in the remedy selection process and an index of the complete Administrative Record are available for public review at the East Palo Alto Public Library, located at 2415 University Avenue, East Palo Alto, California 94303. The entire Administrative Record is available for public review at the U.S. EPA office, located at 75 Hawthorne Street, San Francisco, California. Contact the Project Manager, Ronald Leach, at (415) 972-3362 or by email at leach.ronald@epa.gov if you would like to make an appointment to review these documents or need further information.

Contact Information

Ronald Leach
Project Manager
U.S. Environmental Protection Agency (WST-5)
75 Hawthorne Street
San Francisco, CA 94105
(415) 972-3362
leach.ronald@epa.gov

Lauren Berkman
Community Involvement Coordinator (SFD-3)
U.S. Environmental Protection Agency
San Francisco, CA 94105
415-972-3292
berkman.lauren@epa.gov



Ron Leach and Lauren Berkman of U.S. EPA at 2007 Cinco de Mayo event in East Palo Alto.

U.S. EPA Requiere Comentarios Públicos Sobre el Remedio Propuesto para la instalación de Romc localizada en East Palo Alto

septiembre de 2007



La Agencia de Protección Ambiental de los Estados Unidos (U.S. EPA, por sus siglas en inglés) requiere comentarios públicos sobre el remedio propuesto para tratar la contaminación en los suelos y en el agua subterránea en la instalación de Romc Environmental Technologies Corporation (Romc) en East Palo Alto, California. La U.S. EPA es la agencia responsable por la limpieza de contaminación en los suelos y en el agua subterránea. Romc ha dejado de aceptar desechos y esta a punto de cerrar la instalación (mas detalles abajo).

Como Someter Comentarios Sobre el Remedio Propuesto por la U.S. EPA – Anote su Calendario – Fechas Importantes

Periodo de Comentario Público

Empieza el 17 de septiembre y termina el 1° de noviembre del 2007

Comentarios sobre el remedio propuesto pueden ser enviados por escrito a la U.S. EPA durante el periodo de comentario público por medio de fax, correo electrónico, o por correo a no más tardar del 1° de Noviembre del 2007, o en persona durante la reunión pública (vea abajo para más información). La dirección se encuentra en la pagina 7.

Reunión Pública Sobre el Remedio Propuesto

La U.S. EPA tendrá una reunión pública para explicar el remedio propuesto. Comentarios orales y escritos serán anotados durante la reunión. La reunión se llevara a cabo el miércoles, 10 de octubre del 2007, de las 6:00 a las 9:00 p.m. en East Palo Alto City Hall localizada en 2415 University Avenue (Primer piso - Cámara de Ayuntamiento y Salón de Comunidad), East Palo Alto, California 94303.

Traducción en español estará disponible en la reunión.

Para más información, documentos importantes estarán disponibles en los siguientes locales:

East Palo Alto Library
2415 University Avenue
East Palo Alto, CA 94303
Phone: (650) 321-7712

lunes-jueves: 10am-8pm
viernes: 10am-6pm
sábado: 10am-5pm

U.S. EPA RCRA Records Center
75 Hawthorne Street, Suite 722
San Francisco, CA 94105
Phone: (415) 947-4596

lunes-viernes: 8am-5pm

Cierre de la Instalación de Romic

Representantes de Romic han indicado que el proceso para cerrar la instalación localizada en East Palo Alto comenzara en el 2007. Romic dejó de aceptar desechos peligrosos el 3 de agosto del 2007. Aplicación de la ley sobre la instalación Romic es la responsabilidad del Departamento para el Control de Substancias Tóxicas (DTSC, por sus siglas en ingles) de la Agencia de Protección al Ambiente de California. La U.S. EPA y el DTSC formularan los planes para la remediación de los suelos y el agua subterránea conforme al cierre de Romic. La U.S. EPA anticipa que la mayor parte de la limpieza será completa aproximadamente siete años después de que se complete el cierre de la instalación Romic.

Sedimentos en la marisma cerca de la frontera oriental de Romic están contaminados con compuestos orgánicos volátiles tal como los solventes TCE y PCE. La U.S. EPA lleva a cabo discusiones con las agencias responsables por la protección de la fauna relacionada con los sedimentos contaminados en la marisma. Estas discusiones posiblemente resulten en que se lleven a

cabo estudios ecológicos adicionales. A fin de acelerar la limpieza en la instalación Romic, el tratamiento de estos sedimentos contaminados que se encuentran en la marisma no esta incluido en esta decisión, pero será incluido en una futura acción.

Esta hoja informativa describe el remedio propuesto, otras alternativas que fueron evaluadas, y el criterio que usó la U.S. EPA para evaluar las alternativas. La U.S. EPA preparó un reporte comprensivo sobre el remedio propuesto llamado Declaración de Base. Esta hoja informativa resume la Declaración de Base que es disponible al publico en la biblioteca East Palo Alto Public Library o por medio de la U.S. EPA.

Resumen de Remedio Propuesto

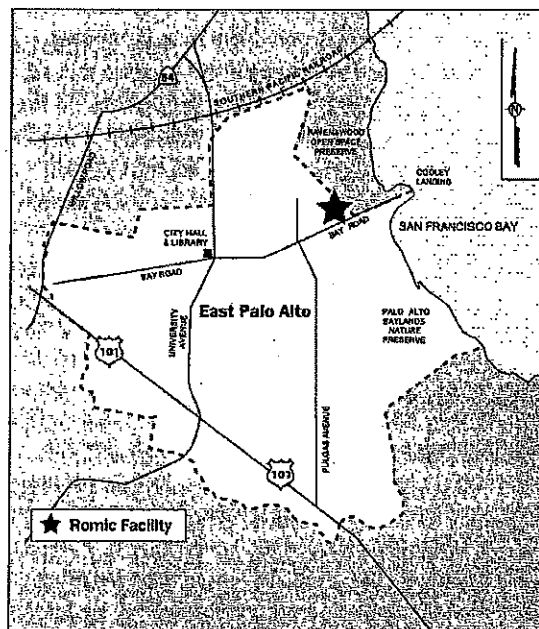
El remedio propuesto por la U.S. EPA incluye los siguientes elementos:

- Investigación de suelos y agua subterránea y su remedio
- Monitoreo y reportaje sobre la eficacia del remedio
- Financiación (aseguramiento financiero) para la nueva remediación
- Establecimiento de restricciones sobre el uso del terreno

Historia del Sitio

Romic es una instalación de 14-acres donde se lleva a cabo el mantenimiento de residuos peligrosos y está localizado en la parte este de Bay Road en East Palo Alto, California. Operaciones históricas con-sisten de reciclaje de solventes, mezcla de combustibles, y el almacén y tratamiento de residuos peligrosos. Las prácticas de mantenimiento de residuos peligrosos que ocurrieron desde los 1950s resultaron en la contaminación de los suelos y el agua subterránea bajo la instalación Romic.

Los contaminantes primarios en el suelo y el agua subterránea son compuestos orgánicos volátiles (VOCs). VOCs típicos incluyen productos químicos de limpieza en seco, líquidos para la limpieza de carburadores, tiner de pintura y químicos usados para fabricar computadoras. La contaminación de agua subterránea se extiende a través de la mayor parte de la instalación Romic a una profundidad de la superficie subterránea de al menos 80 pies. El agua subterránea en el sitio fluye hacia el este hacia la Bahía de San Francisco. El agua subterránea en la instalación Romic no es una fuente de agua potable. Datos disponibles sugieren que aquellos contaminantes relacionados con la instalación no afectan considerablemente la Bahía de San Francisco.



Localización de la Instalación de Romic

Alternativa 1: Ninguna Acción Adicional

Alternativa 2: Contención Hidráulica

Alternativa 3: Tratamiento Biológico Aumentado

Alternativa 1: Ninguna Acción Adicional

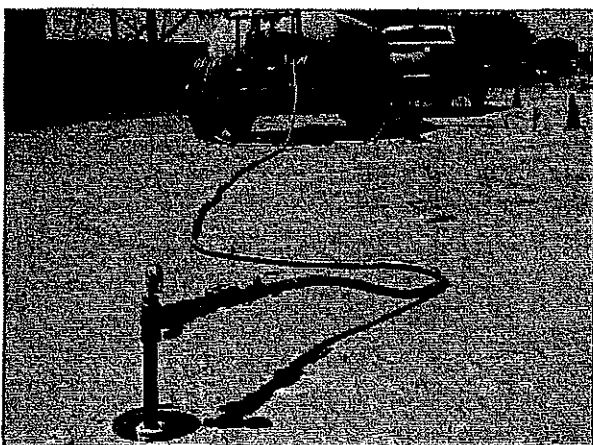
La Alternativa 1 no incluye monitoreo o remediación adicional. Esta alternativa ha sido incluida como una línea de fondo solo para comparación.

Alternativa 2: Contención Hidráulica

La Alternativa 2 incluye la extracción y tratamiento del agua subterránea ("bombeo y tratamiento") como la tecnología remediadora primaria. Usando esta tecnología, el agua subterránea contaminada sería extraída de la tierra y tratada para eliminar contaminantes. Los pozos de extracción de agua subterránea solo contienen la contaminación en el sitio, pero no remedian la fuente de la contaminación, causando que el suelo contaminado y el agua subterránea contaminada permanezcan en la Instalación. Se espera que la Alternativa 2 cueste 3.5 millones de dólares.

Alternativa 3: Tratamiento Biológico Aumentado (la Alternativa Preferida de la U.S. EPA)

La Alternativa 3 incluye el tratamiento biológico aumentado como la tecnología remediadora primaria. El tratamiento biológico aumentado es una tecnología que puede contener con eficacia la contaminación en el sitio y también remediar áreas de fuente de contaminación. Se espera que la Alternativa 3 cueste 2.5 millones de dólares.



inyección de suero de queso y melaza en Romie



Fotografía aérea de Romie en 1997

La Alternativa 2 también como la Alternativa 3 incluyen la investigación de agua subterránea y de los suelos, la excavación y el retiro de los suelos contaminados en algunas áreas de fuente, monitoreo y reportaje de la evaluación de la eficacia del remedio, aseguramiento financiero, y restricciones de uso de terreno.

Evaluación de las Alternativas Remediadoras

La U.S. EPA usó un proceso de dos pasos para evaluar alternativas remediadoras potenciales. Primero, cada alternativa fue comparada a cinco estándares de comportamiento de remedio (vea la columna titulada Criterios de Evaluación en la página 6). Si una o varias de las alternativas remediadoras parecían capaces de satisfacer los estándares de interpretación de remedio, aquellas alternativas fueron evaluadas contra los siete criterios de equilibrio/evaluación para identificar la alternativa preferida. Después de evaluar las alternativas remediadoras, la U.S. EPA determinó que el remedio propuesto (Alternativa 3, Tratamiento Biológico Aumentado) es el mejor remedio que satisface los estándares de Interpretación de remedio y también los criterios de equilibrio/evaluación para identificar la alternativa preferida, debido a su eficacia en la contención y remediación de los suelos y el agua subterránea.

Participación Comunitaria

La U.S. EPA invita participación comunitaria sobre el remedio propuesto. La U.S. EPA ha establecido un período de comentario público de 45 días que comienza el 17 de septiembre y se termina el 1º de noviembre del 2007.

Las personas interesadas pueden enviar comentarios escritos a la U.S. EPA durante el período de comentario público por correo o por correo electrónico, o en persona durante la reunión pública sobre el remedio propuesto. La reunión pública se llevara a cabo el miércoles, 10 de octubre del 2007 de 6:00 p.m. hasta las 9:00 p.m. en la East Palo Alto City Hall, que esta localizada en 2415 University Avenue, East Palo Alto, California 94303 (Primer piso - Cámara de Ayuntamiento y Salón de Comunidad). Traducción en español estará disponible en la reunión.

Los comentarios escritos deben ser enviados a no más tardar del 1 de noviembre del 2007 a la dirección:

Ronald Leach, Project Manager (WST-5)
U.S. Environmental Protection Agency
75 Hawthorne Street
San Francisco, CA 94105
(415) 972-3362

Los comentarios también pueden ser enviados por fax al (415) 947-3530 o por correo electrónico a leach.ronald@epa.gov



Ron Leach y Lauren Berkman de la U.S. EPA en un evento de Circo de Mayo en el 2007 en East Palo Alto

La U.S. EPA considerará los comentarios públicos recibidos antes de hacer una decisión sobre el remedio para la Instalación de Romic. Antes de la selección del remedio final, la U.S. EPA podrá modificar el remedio propuesto basado en los comentarios públicos relevantes, nueva información o deliberación adicional por la U.S. EPA. La EPA responderá a todos los comentarios relevantes que reciba sobre el remedio propuesto. Cualquier persona que comente sobre el remedio propuesto recibirá un aviso de la decisión final.

¿Quiere Saber Mas?

Todos los documentos, correspondencia, datos y cualquier otra información considerada por la U.S. EPA sobre el remedio propuesto para la instalación Romic están incluidos en el Archivo Administrativo para la Instalación. Las copias de documentos importantes usados en el proceso de selección de remedio y un índice del Archivo Administrativo completo están disponibles para la revisión pública en la biblioteca pública de East Palo Alto, localizada en 2415 University Avenue, East Palo Alto, California 94303. El archive administrativo esta disponible para la revisión publica en la oficina de la U.S. EPA office, localizada en 75 Hawthorne Street, San Francisco, California 94105. Favor de ponerse en contacto con el Gerente de Proyectos, Ronald Leach, por teléfono al (415) 972-3362 o por correo electrónico a leach.ronald@epa.gov si quiere hacer una cita para revisar estos documentos o si necesita más información.

Información de Contacto

Ronald Leach
Project Manager
U.S. Environmental Protection Agency (WST-5)
75 Hawthorne Street
San Francisco, CA 94105
(415) 972-3362
leach.ronald@epa.gov

Lauren Berkman
Community Involvement Coordinator (SFD-3)
U.S. Environmental Protection Agency
San Francisco, CA 94105
415-972-3292
berkman.lauren@epa.gov



ROSE JACOBS GIBSON
SUPERVISOR, FOURTH DISTRICT
COUNTY OF SAN MATEO

June 3, 2008

Wei Wei Chui
Department of Toxic Substance Control
700 Heinz Avenue
Berkeley, CA 94710

Dear Ms. Chui,

I am writing you to express the continued concerns of East Palo Alto residents about the Closure Plan for Romic in East Palo Alto.

Residents would like a Closure Plan that cleans up the site in a manner that will protect public health, that is thorough and detailed and one that will yield a carefully executed clean up.

As you know, Romic's many years in East Palo Alto created great environmental and public health risks to residents of East Palo Alto and all of San Mateo County. The residents strongly desire assurance of a thorough and timely Closure Plan.

I encourage you to continue to respond to the East Palo Alto community while formulating the Closure Plan, particularly members of the Youth United for Community Action who have raised important questions and concerns regarding the Clean Up.

Upon release of the Closure Plan, I would greatly appreciate it if you would forward a copy to me. Thank you for your consideration of this matter.

I can be reached at (650) 363-4570 should you wish to discuss this further. You can also reach my Legislative Aide Maya Perkins at (650) 599-1009 who is the contact person on this issue.

Sincerely, /
// original signed by //

Rose Jacobs Gibson
Board of Supervisors
County of San Mateo

Hall of Justice & Records
400 County Center
Redwood City, CA 94063

Telephone: (650) 363-4570
Fax: (650) 599-1027
E-mail: rosejg@co.sanmateo.ca.us



Linda S. Adams
Secretary for
Environmental Protection



Department of Toxic Substances Control

Maureen F. Gorsen, Director
1001 "I" Street
P.O. Box 806
Sacramento, California 95812-0806



Arnold Schwarzenegger
Governor

June 23, 2008

Supervisor Rose Jacobs Gibson
Board of Supervisors, County of San Mateo
Hall of Justice & Records
400 County Center
Redwood City, California 94063

CLOSURE OF ROMIC ENVIRONMENTAL TECHNOLOGIES CORPORATION, EAST PALO ALTO, CALIFORNIA

Dear Supervisor Jacobs Gibson:

Thank you for your recent letter to Ms. Wei Wei Chui regarding the concerns of East Palo Alto residents about the Closure Plan for Romic in East Palo Alto.

The Department of Toxic Substance Control (DTSC) fully agrees with your recommendation that we continue to have good communication with the community. We recognize that community participation is very important in all decisions we make that affect the health and the environment of California.

We consulted the representatives of Youth United for Community Action, UJIMA Security Council, Environmental Justice Group and other East Palo Alto residents. DTSC staff held meetings with the community members on November 15, 2007 and April 10, 2008 to discuss the draft Closure Plan and obtain community input. Community input was considered and reflected in the final draft of the closure plan. As suggested by the community members, DTSC's project team held a Public Workshop on May 13, 2008 to present the Draft Closure Plan, and address community questions and concerns. A separate Public Hearing was held on May 29, 2008.

Also, at the Public Workshop on May 13, 2008, DTSC agreed to provide periodic Status Reports to the community on closure progress once Romic begins implementing the Approved Closure Plan. Our preliminary schedule calls for approval of the closure plan by August 15, 2008 after we have considered and responded to all of the public comments.



S.S. PAPADOPULOS & ASSOCIATES, INC.
ENVIRONMENTAL & WATER-RESOURCE CONSULTANTS

June 11, 2008

VIA CERTIFIED MAIL

Ms. Su Patel
Department of Toxic Substances Control
8800 Cal Center Drive
Sacramento, CA 95826

Subject: Comments on Draft Phase I Closure Plan
 Romic Facility
 2081 Bay Road
 East Palo Alto, CA

Dear Ms. Patel:

This letter has been prepared on behalf of StarLink Logistic Inc. (SLLI) to provide comments regarding the report titled "Closure Plan, Phase I Final for the Romic Environmental Technologies Corp. TSD Facility, East Palo Alto, California" (Draft Closure Plan). SLLI, which owns the 1990 Bay Road property to the south of the Romic Facility, is concerned that the Draft Closure Plan fails to address unresolved issues from Romic's 2006 release of listed waste from a tanker truck, which impacted the SLLI property. The April 2008 Fact Sheet indicates that DTSC is still investigating the tanker release. We are providing comments at this time to ensure that all necessary actions to complete Romic's remediation of SLLI's property are taken prior to closure, or are addressed in the closure plan, post-closure plan and financial assurances for Romic's facility.

As you know, Romic's 2006 incident involved the release of a mist of hazardous waste from a tanker truck containing 4,000 gallons of used solvent and sludge. The mist settled on SLLI's property at 1990 Bay Road, including the field to the south of the substation and poleyard owned by PG&E (Figure 1). In this area is a stand of approximately 500 tamarisk and eucalyptus trees that perform phytoremediation functions as part of an agency-approved groundwater control system for the 1990 Bay Road site, as well as a vegetated soil cap, chain-link fences, a large steel PG&E transmission tower, monitoring wells, and a storm drain collection system. A number of the phytoremediation trees were visibly impacted by the Romic release, as well as grass in the cap area, fences, the tower, monitoring well covers, and a curb and gutter along the south side of the substation. Romic performed remedial work addressing the affected grass, the monitoring wells, and the curb and gutter. However, SLLI does not believe that the record demonstrates that Romic's remedial work was adequate to protect human health and the environment, and that additional soil and sediment sampling must be performed before a determination can be made as to whether the hazardous waste Romic released onto SLLI's property has been cleaned up.

Ms. Su Patel
June 11, 2008
Page 3

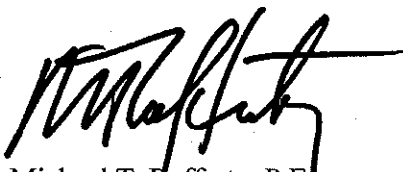
- **Samples Not Analyzed for All CPOCs.** In the Work Plan and the RAR, the Chemicals of Potential Concern (COPCs) included 1-Methyl 2-pyrrolidinone (or N-Methyl-pyrrolidine and NMP), 4,5-Dihydro-2-methyl-oxazole (or 2-methyl-2-oxazoline and MO), 1,2 benzenediol (or Pyrocatechol, benzediol, catechol and BD), pyridine, N-Acetyethanolamine, and ethanolamine (or monoethanolamine). Testing for only four of the six COPCs was conducted. Testing for two of the COPCs, N-Acetyethanolamine and ethanolamine, was not completed because the laboratory was not able to achieve acceptable recoveries using the modified method 8270C. The COPC list was already inadequate (volatile organic compounds, which were detected in the material released, were omitted from the list of COPCs in the Work Plan), so it is troubling that two additional COPCs were omitted from the testing during the remediation phase of the work.
- **Background Samples Not Collected.** Of the COPCs, only pyridine and 1,2 benzenediol were associated with EPA Region 9 Preliminary Remediation Goals (PRGs). For N-Acetyethanolamine, ethanolamine, NMP and MO, the action levels were intended to be the background level, which were to be the analytical results from soil samples collected from Cooley Landing. However, no soil samples were collected in the background area. The RAR attempts to justify this deviation from the Work Plan by stating that the overall completeness criterion of 90% in the Quality Assurance Project Plan (QAPP) was met and that sufficient data were generated without the need of such background samples. However, the purpose of collecting background soil samples was not only to satisfy the completeness criterion, but also to provide a background concentration to be used as an action level for confirmation soil samples. Since there are no background soil samples, it appears that the laboratory reporting limit is the action level.
- **Areas Above Action Levels Not Further Remediated.** According to the Work Plan, soil samples with detections of COPCs above the action levels would require further remedial action. NMP concentrations above the action level were detected in soil and sediment samples collected from Bay Road, SLLI field, Romic Field and the storm drain system. However, the additional remedial actions required by the Work Plan have not been undertaken and are not discussed in the RAR. In fact, the RAR concludes, "No additional removal actions were determined to be necessary as a result of the analytical results of samples collected." This is a significant deviation from the Work Plan, and the RAR should be required to discuss why this decision was made.
- **Data Does Not Meet Data Quality Standards.** According to the data quality report, much of the data collected for confirmation of remediation does not appear to meet the quality standards required in the QAPP that was submitted with the Work Plan.

Ms. Su Patel
June 11, 2008
Page 5

Please contact me at (415) 896-9000 x 202 if you require additional information or have any questions. Thank you for your attention to these issues.

Sincerely,

S.S. Papadopoulos & Associates, Inc.



Michael T. Rafferty, P.E.
Project Manager

Attachments:

1. Letter to EPA dated September 28, 2006
2. Letter to EPA dated February 6, 2007

cc: Janet Yocum – U.S. Environmental Protection Agency
Barbara Carney – Romic
Wayne Kiso – Romic
Robert Ferguson – SLLI
Robert Hines – Farella Braun + Martel LLP



Ms. Janet Yocum
September 28, 2006
Page 2

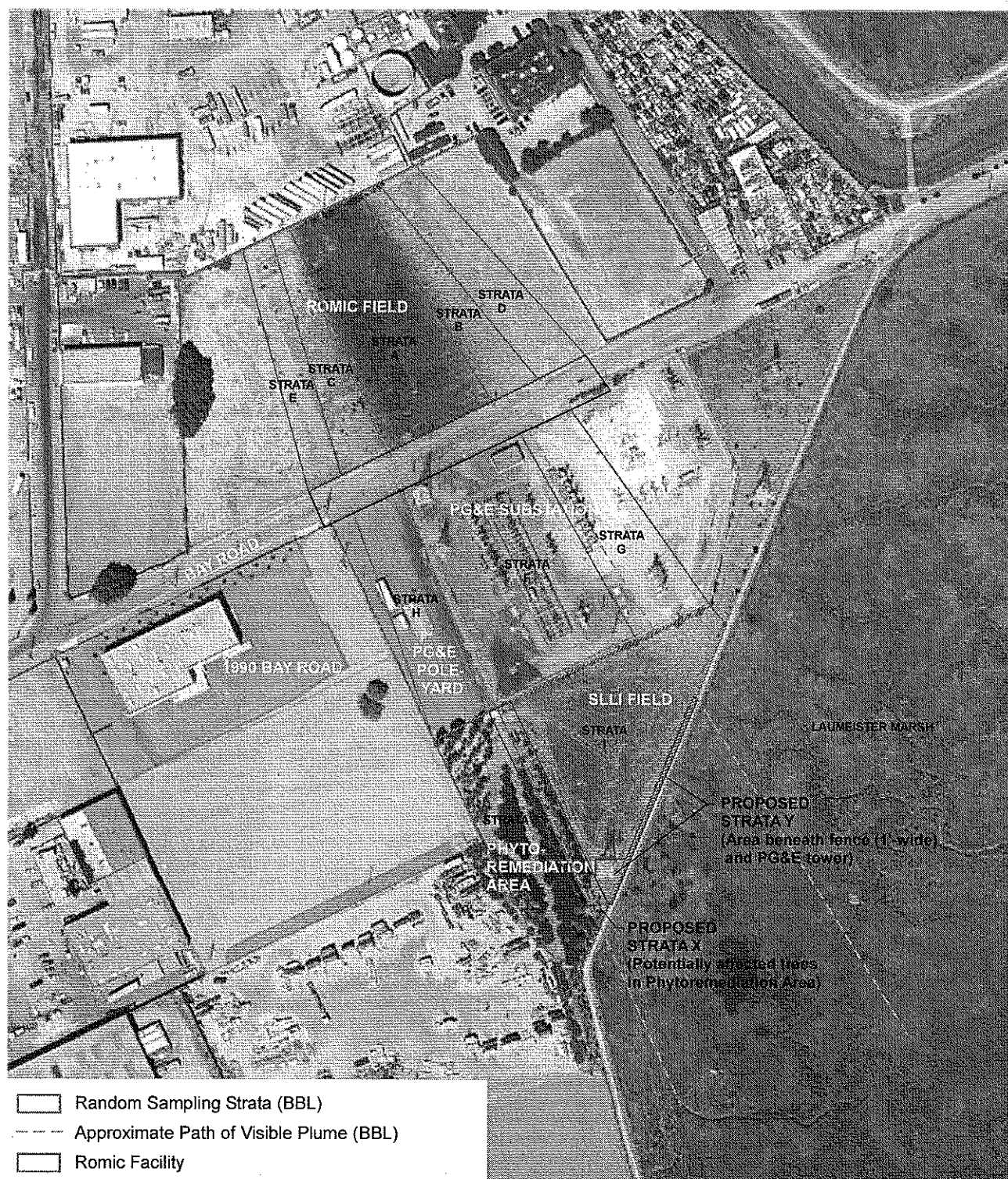
The BB&L Work Plan states that any visible staining on the trees in the phytoremediation area within the area BB&L has designated the "SLLI field" that are impacted by the Romic release material will be wiped or washed. The method of washing the plants and containing wash liquids is not addressed in the Work Plan. Subsequent to the submittal of the Work Plan, Romic has determined that the trees that had shown visible contamination no longer exhibit visible staining and will not be washed. Similarly, Romic has determined that the fences and tower that had shown visible contamination no longer exhibit visible staining and will not be washed. Romic has represented that it has consulted with agency staff on these matters and that USEPA agrees that these items do not require cleaning.

The selection of "strata" for sampling purposes was discussed in the BB&L Quality Assurance Project Plan (QAPP) for the Work Plan (Appendix D):

In stratified sampling, the sample population is separated into non-overlapping strata, or subpopulations, that are thought to be more homogeneous so that there is less variation among sampling units in the same stratum than among sampling units in different strata. Strata may be selected on the basis of spatial or temporal proximity of the units, or on the basis of pre-existing information or professional judgment about the Site or process.

The two "strata" identified for the SLLI field area, Strata I and J, are designated as "visibly impacted" and "not visibly impacted", respectively. We believe that these strata are not adequate for characterizing the SLLI site. We propose that two additional strata be defined:

- A new stratum that includes those areas where vegetation was visibly impacted following the release but are now not visibly impacted as marked on the attached Figure 1 as Strata X, between Strata I and J. It is important to define this stratum because trees that were visibly impacted at the time of release are not now visibly impacted and are not being cleaned. It is our opinion that the materials that visibly impacted the trees at time of release may still be present in a more dispersed manner on the trees and on the underlying vegetation and soil. Table 4 of the QAPP should be updated to show five vegetation and five soil samples will be collected from this stratum.
- A new stratum that includes those areas that may have been contaminated as the result of the dripping of residue from visibly impacted portions of the south fence and tower. This new stratum, marked on the attached figure as Strata Y, includes the 1-foot wide strip beneath the fence along the south edge of Strata I and the footprint of the tower. The fence between the substation and the SLLI field is mounted on a concrete curb that is visibly stained with materials from the release that apparently dripped from the fence. Logically, the soil and vegetation beneath the south fence and tower may also have been similarly impacted even though it is not currently visible. Because the impacts to the



Basemap: Aerial Photograph taken August 28, 2006



PROPOSED REVISIONS TO SAMPLING STRATA

1990 Bay Road Site
East Palo Alto, California

Figure 1



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SLLI believes that the scope of sampling required in the Work Plan was insufficient as proposed. In the Work Plan, the SLLI field was divided into two strata, Strata I and J, designated as "visibly impacted" and "not visibly impacted", respectively. In our September 28, 2006 letter we stated that these two strata were not adequate for characterizing the SLLI site and proposed that two additional strata be defined. We requested additional confirmatory sampling be performed within each of these new strata, and the data analysis and remedial actions proposed in the Work Plan be extended to these strata as well. Because our letter of September 28, 2006 identified insufficiencies in the proposed Work Plan and requested additional sampling and different data analysis, we had hoped to receive a prompt response. However, we received no response and the work proposed in the Work Plan was completed several months ago.

We have recently reviewed the RAR and its addendum. The RAR, as provided to us through Romic's outside counsel, is a draft work product with the author's comments and questions remaining in the text. Not only does the RAR not address the additional sampling that SLLI requested, but it indicates that some of the work that had been proposed in the Work Plan was not completed. Based on our review of the RAR, we have many concerns regarding the work to date, which include:

- **Samples Not Analyzed for All CPOCs.** In the Work Plan and the RAR the Chemicals of Potential Concern (COPCs) included 1-Methyl 2-pyrrolidinone (or N-Methyl-pyrrolidine and NMP), 4,5-Dihydro-2-methyl-oxazole (or 2-methyl-2-oxazoline and MO), 1,2 benzenediol (or Pyrocatechol, benzediol, catechol and BD), pyridine, N-Acetylethanolamine, and ethanolamine (or monoethanolamine). Of the six COPCs, testing for only four was actually conducted. Testing for two of the COPCs, N-Acetylethanolamine, and ethanolamine, was not completed because the laboratory was not able to achieve acceptable recoveries using the modified method 8270C. The CPOC list was already inadequate (volatile organic compounds, which were detected in the material released, were omitted from the list of COPCs in the Work Plan), so it is troubling that two additional CPOCs were omitted from the testing during the remediation phase of the work.
- **Background Samples Not Collected.** Of the COPCs, only pyridine and 1,2 benzenediol were associated with USEPA Region 9 Preliminary Remediation Goals (PRGs). For N-Acetylethanolamine, ethanolamine, NMP and MO, the action levels were intended to be the background level, which were to be the analytical results from soil samples collected from Cooley Landing. However, no soil samples were collected in the background area. In the RAR this deviation from the workplan is justified by stating that the QAPP overall completeness criterion of 90% was met and that sufficient data were generated without the need of such background samples. However, the purpose of collecting background soil samples was not only to satisfy the completeness criterion but also to provide a background concentration to be used as an action level for confirmation soil samples.



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which samples were collected from which strata, detection limits, and any data or risk analysis performed.

Based on the RAR, it appears that SLLI's property was not remediated to the action levels set forth in the Work Plan. We therefore request that the EPA (i) advise us if any future actions will be taken, and/or (ii) confirm that the site meets EPA's risk based standards. SLLI asks that USEPA review the situation and respond as promptly as possible. Please contact me at (415) 896-9000 x 202 if you require additional information or have any questions. Thank you for your attention to these issues.

Sincerely,

S.S. Papadopoulos & Associates, Inc.

// original signed by //

Michael T. Rafferty, P.E.
Project Manager

Attachment

cc: Mary Kilgo -- Romic
Robert Ferguson -- SLLI
Robert Hines -- FB+M

Suhasini Patel - Romic's Draft Closure Plan

From: "Michael Rafferty" <mrafferty@sspa.com>
To: <spatel@dtsc.ca.gov>
Date: 4/29/2008 4:31 PM
Subject: Romic's Draft Closure Plan

Su Patel -

I would like a copy of the Draft Closure Plan for the Romic site. I would prefer an electronic copy, if possible. If it is available on the internet, please send me a link. If not and you have a pdf and could email it to me, I would appreciate it. If only paper copies are available, please send a copy to the address below. Thank you.

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